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JOURNAL OF THE SENATE,

FOR THE NINTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

WHICH WAS BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF LITTLE ROCK,
ON MONDAY, THE FIRST DAY OF NOVEMBER, ONE THOUSAND EIGHT
HUNDRED AND FIFTY-TWO, AND ENDED ON WEDNESDAY,
THE TWELFTH DAY OF JANUARY, ONE THOUSAND
EIGHT HUNDRED AND FIFTY-THREE.

PUBLISHED BY AUTHORITY.

ARKADELPHIA ARKANSAS:
R. L. PEGUES, STATE PRINTER.

1852.

SENATE JOURNAL.

Monday, Nov. 1st., 1852.

This being the day fixed upon by the Constitution of the State of Arkansas, for the meeting of the General Assembly thereof; and a quorum of Senators appearing in their chamber in the capitol, the Senate proceeded to organize.

Hon. John R. Hampton of Union county was called to the chair, and John M. Ross acted as secretary.

The roll was called, and the following Senators answered to their names:

John Berry, from the counties of Madison and Benton.

John Billingsley, from the county of Washington.

Napoleon B. Burrow, from the counties of Arkansas, Jefferson and Desha.

Franklin DeShongh, from the counties of Conway, White and Jackson.

James Ellis, from the counties of Randolph and Green.

Richard Fletcher, from the counties of Pulaski, Prairie and Perry.

John R. Hampton, from the county of Union.

Mark W. Izard, from the counties of St. Francis and Poinsett.

Henry S. Maxwell, from the counties of Marion, Searcy and Van Buren.

H. P. Poindexter, from the counties of Hempstead and Pike.

George W. Underhill, from the counties of Mississippi and Crittenden.

The following members elect appeared, presented their credentials, took the oath of office before Hon. Chistopher C. Scott, judge of the Supreme court, and took their seats:

William C. Mitchell, from the counties of Carroll and Newton.

George W. Clarke, from the counties of Crawford and Sebastian.

Jesse Miller, from the counties of Franklin and Scott.

Morean Rose, from the county of Johnson.

George W. Lemoyne, from the counties of Pope and Yell.

Daniel J. Chapman, from the counties of Independence and Izard.

William E. Davidson, from the counties of Lawrence and Fulton.

Thomas B. Hanley, from the counties of Phillips and Monroe.

William M. Harrison, from the counties of Chicot, Ashley and Drew.

Basil C. Harley, from the counties of Dallas and Bradley.

George W. Henson, from the counties of Hot Spring and Saline.

Benjamin F. Hawkins, from the counties of Sevier, Lafayette and Polk.

Mr Poindexter moved that the Senate proceed to elect a President.

Which motion prevailed.

Mr Izard nominated Hon. Thomas B. Hanley, of Phillips county.

No other nominations being made, the roll was called; when it appeared that Hon. Thomas B. Hanley had received 22 votes, and Hon. John Berry had received one vote.

Those Senators who voted for Thomas B. Hanley, are

Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Underhill—22.

The Senator who voted for John Berry, is Mr Hanley.

The chair announced that Thomas B. Hanley having received a majority of all the votes, was duly and constitutionally elected President of the Senate, for and during the time prescribed by law.

Messrs. Izard and Mitchell were appointed to conduct the president elect to the chair.

The president upon taking the chair returned his thanks to the Senate for the honor conferred upon him, in selecting him to preside over their deliberations; took the oath of office, and entered on the discharge of his duties.

Mr Poindexter moved that the Senate proceed to elect a secretary.

Which motion prevailed.

Mr Chapman nominated John M. Ross, of Pulaski county; and Mr Rose nominated Henry A. Powers, of Johnson county.

No other nominations being made the roll was called, when it appeared that John M. Ross had received 18 votes; and Henry A. Powers had received 5 votes.

Those senators who votedfor John M. Ross, are

Messrs, Berry, Billingsley, Chapman, Clarke, DeShongh, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Izard, Maxwell, Mitchell, Poindexter, Underhill and Mr President—18.

Those senators who voted for Henry A. Powers, are

Messrs. Burrow, Davidson, Lemoyne, Miller and Rose—5.

Whereupon the president proclaimed that John M. Ross having received a majority of all the votes given, was duly elected secretary of the Senate, for and during the time prescribed by law; who took the oath of office, and entered upon the discharge of his duties.

On motion of Mr Berry, the Senate proceeded to elect an assistant secretary.

Mr Berry nominated Marcus L. Bell, of Pulaski county.

Mr Chapman nominated William L. D. Williams, of Prarie county.

Mr Lemoyne nominated William D. Young, of Pope county.

No other nominations being made the roll was called, when it appeared that Marcus L. Bell had received 9 votes; William L. D. Williams, had received 12 votes; William D. Young had received 2 votes.

Those senators who voted for Marcus L. Bell, are

Messrs. Berry, Billingsley, Burrow, Davidson, Deshongh, Harley, Henson, Izard and Underhill—9.

Those senators who voted for William L. D. Williams, are

Messrs. Chapman, Clarke, Ellis, Fletcher, Hampton, Harrison, Hawkins, Maxwell, Miller, Mitchell, Poindexter and Mr President—12.

Those senators voted for William D. Young, are

Messrs. Lemoyne and Rose—2.

Whereupon the president proclaimed that William L. D. Williams having received a majority of all the votes given, was duly elected assistant secretary of the Senate, for, and during the time prescribed by law; who took the oath of office, and entered on the discharge of his duties.

The chair announced that nominations for doorkeeper were in order.

Whereupon Mr Hampton nominated Alexander Fry, of Dallas county.

Mr Chapman nominated Samuel N. Flinn, of Carroll county.

Mr Underhill nominated Legrand W. King, of Washington county.

Mr Rose nominated Anderson Hodges, of Johnson county.

Mr Izard nominated J. D. Harris.

No other nominations being made, the roll was called, when it appeared that Alexander Fry had received 5 votes; Samuel A. Flinn, had received 4 votes; Legrand W. King, had received 4 votes; Anderson Hodges had received 6 votes; and J. D. Harris had received 4 votes.

Those senators who voted for Alexander Fry, are

Messrs. Hampton, Harley, Hawkins, Henson and Poindexter—5.

Those senators who voted for Samuel N. Flinn, are

Messrs. Chapman, Clarke, Deshongh and Mitchell—4.

Those senators who voted for Legrand W. King, are

Messrs. Berry, Billingsly, Harrison and Underhill—4.

Those senators who voted for Anderson Hodges, are

Messrs. Davidson, Fletcher, Lemoyne, Maxwell, Miller and Rose—6.

Those senators who voted for J. D. Harris, are

Messrs. Burrow, Ellis, Izard and Mr President—4.

None of the gentlemen voted for, having received a majority of all the votes given, the president announced that there was no choice made.

*W*hereupon the roll was called a second time; when it appeared that Alexander Fry had received 4 votes; Samuel N. Flinn had received 4 votes; Legrand *W.* King had received 4 votes; Anderson Hodges had received 6 votes; and J. D. Harris had received 4 votes,

Those Senators who voted for Alexander Fry, are

Messrs. Hampton, Harley, Hawkins, Henson and Poindexter—5.

Those senators who voted for Samuel N. Flinn, are

Messrs. Chapman, Clarke, Deshongh and Mitchell—4.

Those senators who voted for Legrand *W.* King, are

Messrs. Berry, Billingsley, Harrison and Underhill—4.

Those senators who voted for Anderson Hodges, are

Messrs. Davidson, Fletcher, Lemoyne, Maxwell, Miller and Rose—6.

Those senators who voted for J. D. Harris, are

Messrs. Burrow, Ellis, Izard and Mr President—4.

None of the gentlemen voted for, having recieved a majority of all the votes given, the chair announced that there was no choice made.

*W*hereupon the roll was called a third time.

*W*hen it appeared that Alexander Fry had received 7 votes; Samuel N. Flinn had received 5 votes; Legrand *W.* King had received 3 votes; Anderson Hodges had received 6 votes; and J. D. Harris had received 2 votes.

Those senators who voted for Alexander Fry, are

Messrs. Burrow, Hampton, Harley, Hawkins, Henson, Poindexter and Mr President—7.

Those senators who voted for Samuel N. Flinn, are

Messrs. Chapman, Clarke Deshough, Harrison and Mitchell—5

Those senators who voted for Legrand *W.* King, are

Messrs. Berry, Billingsley and Underhill—3.

Those senators who voted for Anderson Hodges, are

Messrs. Davidson, Fletcher, Lemoyne, Maxwell, Miller and Rose—6.

Those senators who voted for J. D. Harris, are

Messrs. Ellis and Izard—2.

None of the gentlemen voted for having received a majority of all the votes given, the chair announced that there was no choice made.

*W*hereupon the roll was called a fourth time.

*W*hen it appeared that Alexander Fry had received 8 votes; Samuel N. Flinn had received 4 votes; Legrand *W.* King had received 3 votes; Anderson Hodges had received 7 votes; and J. D. Harris had received 1 vote.

Those senators who voted for Alexander Fry, are

Messrs. Burrow, Hampton, Harley, Harrison, Hawkins, Henson, Poindexter and Mr President—8.

Those senators who voted for Samuel N. Flinn, are

Messrs. Chapman, Clarke, Deshongh and Mitchell—4.

Those senators who voted for Legrand W. King, are

Messrs. Berry, Billingsley and Underhill—3.

Those senators who voted for Anderson Hodges, are

Messrs. Davidson, Fletcher, Izard, Lemoyne, Maxwell, Miller and Rose—7.

The senator who voted for J. D. Harris, is Mr Ellis.

None of the gentlemen voted for having received a majority of all the votes given, the chair announced that there was no choice made.

Whereupon the roll was called a fifth time.

When it appeared that Alexander Fry had received 9 votes; Samuel A. Flinn had received 3 votes; Legrand W. King had received 3 votes; Anderson Hodges had received 7 votes; and J. D. Harris had received 1 vote.

Those senators who voted for Alexander Fry, are

Messrs. Burrow, Clarke, Hampton, Harley, Harrison, Hawkins, Henderson, Poindexter and Mr President—9.

Those senators who voted for Samuel N. Flinn, are

Messrs. Chapman, Deshough and Mitchell—3.

Those senators who voted for Legrand W. King, are

Messrs. Berry, Billingsly and Underhill—3.

Those senators who voted for Anderson Hodges, are

Messrs Davidson, Fletcher, Izard, Lemoyne, Maxwell, Miller and Rose--7.

The senator who voted for J. D. Harris, is Mr Ellis.

None of the gentlemen voted for having received a majority of all the votes given, the chair announced that there was no choice made.

Whereupon the roll was called a sixth time.

When it appeared that Alexander Fry had received 12 votes; Samuel N. Flinn had received 2 votes; Legrand W. King had received 2 votes; Anderson Hodges had received 6 votes; and J. D. Harris had received 1 vote.

Those senators who voted for Alexander Fry, are

Messrs. Burrow Clarke, Deshongh, Hampton, Harley, Harrison, Hawkins, Henson, Izard, Poindexter, Underhill and Mr President—12.

Those senators who voted for Samuel N. Flinn, are

Messrs. Chapman and Mitchell—2.

Those senators who voted for Legrand W. King, are

Messrs. Berry and Billingsley—2.

Those senators who voted for Anderson Hodges, are

Messrs. Davidson, Fletcher, Lemoyne, Maxwell, Miller and Rose—6.

The senator who voted for J. D. Harris, is Mr Ellis.

Alexander Fry having received a majority of all the votes given, the President announced that he was duly elected doorkeeper of the Senate, for and during the time prescribed by law; who took the oath of office and entered on the discharge of his duties.

Mr Billingsley moved that the Senate proceed to the election of chaplain.

Which motion prevailed.

Mr Berry introduced the following preamble and resolution.

Whereas, The State of Arkansas is greatly in debt, and it should be the interest and policy of every member of the General Assembly to economize, so as to curtail all expenses, or tax, which can be legally dispensed with; therefore,

Be it resolved, That a committee of three be appointed to confer with the public praying members of this body, so as to have prayer each morning in the Senate chamber, before entering upon the duties of the day.

Which were read.

The question was taken on their adoption, and they were lost.

The president announced that nominations for chaplain of the Senate were in order.

Whereupon Mr Chapman nominated Rev. A. R. Winfield.

Mr Rose nominated Rev. John Bruton.

No other nominations being made, the roll was called.

When it appeared that Rev. A. R. Winfield hand received 18 votes; and Rev. John Bruton had received 5 votes.

Those senators who voted for Rev. A. R. Winfield, are

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Miller, Mitchell, Poindexter, Underhill and Mr President—18.

Those senators who voted for Rev. John Bruton, are

Messrs. Burrow, Izard, Lemoyne, Maxwell and Rose—5.

Whereupon the president proclaimed that Rev. A. R. Winfield, having received a majority of all the votes given, was duly elected chaplain of the Senate during the present session.

On motion of Mr Poindexter, the secretary of the Senate was directed to inform the House of Representatives that the Senate was organized, and ready to proceed to business.

Mr Underhill introduced the following resolution:

RESOLUTION:

Resolved, That the president appoint a committee, to consist of three, to act with such committee as may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly have organized, and are now ready to receive any communication he may deem proper to make.

Which was read and adopted.

Mr Poindexter introduced the following

RESOLUTION:

Resolved, That the secretary be directed to procure stationery for the use of the Senate.

Which was read and adopted.

On motion of Mr Clarke, all editors of newspapers in this State, or their reporters, were invited to take seats within the bar of the Senate, and report the proceedings for publication in their respective papers.

On motion of Mr Underhill the Senate adjourned until to-morrow morning, 10 o'clock.

THOMAS B. HANLEY, *President.*

Tuesday, Nov. 2d 1852.

Senate met pursuant to adjournment.

Prayer by the Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Hanley introduced the following

RESOLUTION:

Resolved, That a committee be appointed to prepare and propose rules for the government of the Senate at the present sesion; and that said committee be instructed to act with such committee as may be appointed by the House of Representatives, in preparing rules for the joint action of the two Houses.

Which was read and adopted.

The chair appointed Messrs. Underhill, Harley and Hampton, a committee on the part of the Senate, to act with such committee as may be appointed by the House of Representatives; to wait on the Governor and inform him that the two Houses had organized, and were ready to receive any communication he was disposed to make.

Mr Billingsley introduced the following

RESOLUTION:

Resolved, That the secretary of the Senate be directed to procure from the Secretary of State, a sufficient number of copies of the Digest of the Statutes, and Acts and Journals of the last session of the Legislature.

Which was read and adopted.

Mr Henson introduced the following

RESOLUTION:

Resolved, That the rules governing the last State Senate of the

State of Arkansas, shall govern the present session until otherwise ordered.

Which was read and adopted.

The chair laid before the Senate the following communication:

AUDITOR'S OFFICE,
Little Rock, Arkansas,
November 2d, 1852.

Hon. THOS. B. HANLEY,
President of the Senate.

Sir: Enclosed herewith, I send you my biennial report to the General Assembly, as required by act approved 21st December, 1850.

Respectfully, your ob't serv't.
C. C. DANLEY,
Auditor of Arkansas.

AUDITOR'S REPORT.

AUDITOR'S OFFICE,
LITTLE ROCK, ARKANSAS,
October 1st, 1852.

Gentlemen of the General Assembly:

IN obedience to the requirements of the law, the Auditor of Public Accounts has the honor to make to your honorable body his Biennial Report of the condition of the Revenue, and the receipts and expenditures of the State Treasury, for the two fiscal years ending with the 30th day of September, 1852.

The accompanying tables, which are a part of this report, and marked with letters, in alphabetical order, from "A." to "O.," inclusive, have been prepared with care; and, it is believed, contain valuable information in relation to the operations of the Treasury, and the condition and amount of taxable property, and revenues of the State, and the operations of the former and present revenue laws.

Tabular statement marked A., shows the amount of appropriations made at the session of the General Assembly held in November and December, 1850, and January, 1851, with the balance of former appropriations unexpended, added thereto, to be $1,548,393 69; the amount of warrants drawn thereon, during the two years ending with 30th September, 1852, to be $281,701 80 3-4; and the unexpended balance of appropriations, 30th September, 1852, to be $1,766,791 88 1-4.

Tabular statement marked B., shows the entire receipts into the State Treasury, from all sources; the amount of Treasury Warrants issued by the State Treasurer, to redeem Auditor's Warrants, during the two years ending with the 30th September, 1852; and the balance of each fund that was in the Treasury, 1st October, 1850; the expenditures of the State, through the State Treasury, during the two years ending with the 30th September, 1852; and the balance of each fund remaining in the Treasury on the 1st October, 1852.

Statement marked C., is an analysis of table B., and formed into four parts; No. 1, relative to Specie; No. 2, Arkansas Bank paper; No. 3, Arkansas Treasury Warrants; and No. 4, County Scrip. The balance of specie in the Treasury, applicable to the redemption of Treasury Warrants, is $16,692 22 5-6; of Arkansas Bank paper in the Treasury, unappropriated, $6,121 46, except the sum of $504 10, which belongs to the Internal Improvement Fund; of Arkansas Treasury Warrants, outstanding and unredeemed, 1st October, 1852, $58,432 78 1-2; of County Scrip in the Treasury, 1st October, 1852, $301 39.

Statement marked "D.," exhibits the balance of funds to the credit of the State, in the Bank of the State of Arkansas.

Statement marked "E," shows the balance due each county on the 1st October, 1852, on account of county tax paid for the redemption and purchase of forfeited lands, to be $953 77, of which $549 79 is Specie, $301 39 County Scrip, and $102 59 Arkansas Bank paper, remaining due from the State.

Statement marked "F.," exhibits the amount of County Tax remaining in the State Treasury, and due to counties, on the 1st October, 1852, on account of county taxes paid into the State Treasury by non-residents, under the act of 8th January, 1845, to be $43 78, in specie.

Tabular statement marked "G.," exhibits each species of property taxed in the several counties, for the year 1851; and "H.," for the year 1852; and the separate value of each; the aggregate value of taxable property in each county, and the amount of taxes charged to Sheriffs upon returns made to this office by Clerks.

Statistical table marked "I.," exhibits each species of property taxed in the State, annually, for nine years, commencing with the year 1838, and ending with the year 1846, and the amount of taxes charged thereon for each year.

Statement marked "J.," exhibits each species of property taxed in the State, and the separate value of each; the total amount of property taxed, and the amount of taxes charged thereon, for the years 1847, 1848, 1849, 1850, 1851 and 1852. Tables "I." and "J." have been prepared to show the operations of the former and present revenue laws.

Statement marked "K.," shows the balance remaining in the Treasury, due to counties, on 1st October, 1850, of the Internal Improvement Fund, and the several distributions made, during the two years ending with the 30th September, 1852, to be $88,891 32 3-4; the amount of Warrants drawn thereon, during the same time, to be $76,162 84 3-4; and the balance due to counties, on the first October, 1852, to be $12,728 48.

Statement marked "L.," shows the balance of the Seminary Fund, remaining in the Treasury, and due to counties, 1st October, 1852, and the several distibutions made during the two years ending with 30th September, 1852, added thereto, to be $26,177 12; the amount of Warrants drawn thereon during the same period, to be $17,150 85; and the balance remaining in the Treasury, and due fo counties, 1st October, 1852, to be $9,071 08.

Statement marked "M.," contains estimates of receipts of ordinary revenue and expenditures, for the two years ending with 30th September, 1852, including funds on hand applicable to ordinary expenditures; the Treasury Warrants outstanding and unredeemed, 1st October, 1852. The estimated receipts are $184,968 34, and the estimated expenditures $200,873 43; estimated expenditures over receipts, $15,905 09.

Statement marked "N.," shows the amount of State Bonds issued to, and sold by, the Bank of the State of Arkansas, remaining unredeemed, and the unpaid interest thereon, 1st October, 1852; the number of bonds unsold, and the number of bonds which have been redeemed, cancelled, and filed with the State Treasurer.

Statement marked "O.," is information furnished the Auditor, by Col. T. W. Newton, Cashier and Secretary of the Real Estate Bank, in regard to the indebtednes of that institution, on account of bonds and interest.

By reference to the table of estimates of the probable receipts and expenditures, at the Treasury, for the next two years, it will be seen that there will probably be a deficit of more than $15,000 on the 1st day of October, 1854. That deficit should be met. The policy and the interest of the State demand that the amount of money necessary to defray the expenses of the government should be raised. The revenue may be materially increased, and this deficit, it is believed, almost, if not entirely, met, by making a slight change in our Revenue Law, in regard to taxing real estate. The change suggested is, to tax real estate *double*, and personal property *half*, the present rates of taxation. The rate of the proposed change will not materially affect the taxes of citizens of the State. In the aggregate, and in most instances of individuals, where calculations have been made, the taxes of citizens have been reduced below the present rates; whilst, in the case of non-resident speculators, who hold up the best land in the State, and by the exorbitant prices which they demand for them, prevent their settlement, and the consequent increase of population and wealth of the State, the taxes will be doubled—they having to pay twice as much towards the support of the government, as they do under existing laws.

There would be great justice in so adjusting our Revenue laws as to compel non-resident property-holders to pay the largest amount of revenue into the Treasury of the State. They have but a small interest in common with the resident tax-payers. Mostly citizens of other States; they are content to hold on to their lands here, if the enhancement in their value is equal to the interest they would receive on their money, if it were invested in stocks. If the State improve fast enough for their lands to enhance in value in that ratio, they are satisfied. In this manner, large bodies of the most valuable lands, in almost every county in the State, are held up by speculators, and by the high prices demanded for them, their settlement and improvement retarded, if not entirely prevented. In many, if not in most, instances, the State is robbed of her reveunes on these lands, by fraud and perjury. There are great quantities of lands, belonging to non-residents, which are listed for taxation at $3 per acre, and the value *sworn* to by the owners, or their agents; when the Auditor has been informed by many of the best citizens of the State, that the owners of the same lands refuse to sell them for $10 per acre.

The State is under no obligation to pass laws for the protection of such men as those land speculators, in many instances, have proved themselves to be; or, indeed, to encourage them still to hold property among us. The true policy is, to make their taxes so high as to induce them to sell their lands, for some price to citizens who would reside on, and enhance their value, by cultivating them.

It has long been a desideratum to procure the enactment of some law which would reach the case of non-resident land-holders, and compel them, by high taxes, or some other means, to sell their lands to those who would make them productive to the State; but the difficulty which has always suggested itself to legislators was, that laws taxing them, would, also, be oppressive to our own citizens. The Auditor considers that this objection is now met by the more than compensating reduction in the taxes on all personal property, which will tend to decrease the amount of taxes required to be paid by citizens of the State; whilst, in the aggregate, it will matematerially increase the amount of revenue.

This change in our Revenue Law, if it be enacted, as suggested, will be no disadvantage, to persons buying lands for cultivation; for the reduced rates of taxes, on all personal property, inlcuding negroes, will over balance the increase of taxes on real estate.—Thus, our citizens may be benefited, and their burdens in some degree lightened, whilst our revenues are materially increased.

Inasmuch as there may be some constitutional objection to the plan of taxing lands, as just suggested, it is respectfully recommended that this subject be referred to the Committee on the Judiciary, with the view, if it be necessary, to attain the end sought, of recommending an amendment to the constitution.

In addition to the objects of taxation, now enumerated by law, for State purposes, it is believed that a sum almost, if not entirely, large enough to meet the expenses of the Judiciary might be raised, by imposing a State tax of $2 on each civil suit at law, or in chancery, in which the sum of $100, or upwards, is involved, to be paid to the Clerks or Sheriffs of the proper counties, before the commencement of any such suit, by the party desiring to commence the same. It is for the benefit of litigants that courts are kept up, and the salaries of the Judges paid by the State; and it would seem to be but just that they should be compelled to pay the principal part of the expenses of the system.

The law restricts the counties in the amount they shall raise for county revenue, to one-fourth of one per cent., on the assessed value of property made taxable for State purposes. This is wrong. In several of the counties, a larger sum is needed for the erection of necessary county buildings; and the people are ready and willing to pay a greater amount, if the County Court were not prohibited, by law, from raising beyond a certain sum of money for county purposes. It is for this reason, that many of the counties have not been able to raise money to erect Court-houses, sufficiently comfortable and commodious for the Courts which the law requires to be held; or to build Jails of sufficient security for the safe-keeping of criminals.

When a number of our citizens, occupying a region of country of the area of nine hundred square miles, apply to the Legislature, and procure the passage of a law incorporating them, with the privilege and immunities of a separate county, it would seem to imply that a sufficient amount of prudence and discretion were conceded to them to warrant their being entrusted with the power to decide what amount of money may be necessary and proper to defray their municipal expenses, and to levy taxes upon themselves for the payment of that amount; and there surely can be no danger that they will tax themselves *too high*.

This prohibitory clause in the county revenue law is frequently in direct opposition to the best interests of the citizens of the counties, whilst it is promotive of the interest of no class, except the non-resident land-holder, whose lands are enhanced in value by every work of improvement done by the citizens, at the same time that the law gives them a guaranty that they shall not be taxed *beyond* a certain amount. The law requires all able-bodied male inhabitants, (white and black,) between the ages of sixteen and forty-five years, to work on the public roads of their county, and prescribes a penalty for their failure or refusal to do so. The labor of these citizens, in opening and improving roads, and increasing the facilities of travel, is the means of bringing into notice, and enhancing the value of, the lands of non-residents. Does not justice, then, require that non-residents shall be compelled, by law, to bear, at least, their proportional burthen of the expense of improving the roads of the country by which they are enriched? This proposition, if adopted, cannot operate unequally as between these non-residents and citizens of the state; for, by the paramount law of Congress, admitting us into the Union, they are secured against a higher tax than our own citizens.

Experience has shown that the laws for the collecting and safe-keeping of the revenue may be improved, by some alterations.

It is needless, here, again to urge on the Legislature, the importance of extending the time allowed by law to sheriffs to settle their accounts with the state, as collectors of revenue, from December to the May following. By reference to the auditor's report, in 1850, that subject, it will be seen, is discussed, at some length. Time has given each reason therein set forth, additional weight in the estimation of the auditor. By the adoption of that plan, the citizens of the state will be enabled to pay their taxes at a time when it will be least oppressive to them; the assessors and collectors of revenue will be enabled to make fuller assessments and larger collections; the revenues of the state will be increased; and, so far from any one being oppressed, the burthens of support-ing the government will fall more equally on all its citizens; and the state, her citizens, and her revenue officers, will be benefited, without conceivable injury to any one.

By reference to table "H.," it will be seen that no tax books have been received, this year, from the counties of Crawford,* Independence, Randolph, Searcy and White. The failure to return these books may be attributed, in some instances, to the shortness of the time allowed, by the present law, for assessors to file their lists, and for county courts to adjust them, and afterwards, for clerks to make out tax books and send them to the Auditor's office; and in other instances, to culpable and willful neglect of duty on the part of county officers. The failure, for the reason first mentioned, might be obviated in future, by extending the time for making assessments and collections, and settlement for revenue, as hereinbefore suggested. The second can only be obviated by the enactment and rigid execution of efficient laws.

The Supreme court has decided that a sheriff's office is not vacated as declared by our Statute, (*Digest, Sec.* 37, *chap.* 139,) on his failing to file his assessment list on or before the 25th of March, in each year. The principle of that decision would apply with equal force to the law (*same section*) which declares Clerks' offices vacated on their failing to perform certain duties with regard to making out tax books.

Attention was called to this fact in the last report of the Auditor, but the Legislature took no action in that behalf. As the law now stands, the officers, whose duty it is to collect the revenue of the state, may be guilty of the most gross and glaring official negligence, with impunity. It would appear to be the part of prudence, as well as wisdom, in the Legislature, to enact such laws as would give the officers, whose duty it is to attend to the collection of revenue, sufficient time to perform all their duties, and ample compensation for their performance; and, then hold them to a rigid and strict accountability for all their official acts. Unless ample compensation be given, it will be vain to expect to secure the services of faithful and efficient officers. And unless officers are held to a rigid and strict accountability for all their official acts, no matter how honest and energetic the great majority of them will, doubtless, be, it will be vain to expect that all will be honest of their own accord; and more vain to suppose that the state will not lose large amounts by the official malfeasance and inefficiency of some of the officers into whose hands her revenues will fall.

To the end that these evils may in future be obviated, it is respectfully recommended that it be provided by legislative enactment, that Sheriffs, when they are first elected, and before they can legally enter on *any* of their official duties, shall be required to enter into bond, with ample security for a sufficient sum, to the state and county, for the faithful performance of their duties, as collectors of revenue for their whole term of office. Let the bond be large enough to cover the state and county revenue for two years, and let the law provide further, that, if the sheriff fail to assess the revenue of any year, or, after assessing, fail or neglect to take the tax book, he shall be liable on his bond to the state and county for double the amount of revenue which had been collected, in his county, the next preceding year. If the sheriff, after assessing and receiving the tax book, fail to collect, the law already provides ample penalty.

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*Since the printing of the tables, which accompany this Report, the tax book from Crawford county has been received.

It should be the duty of some officer of the government, at least once in each quarter, and oftener, if he deem it necessary, and at any time he may choose, during the quarter, to examine the condition of the State Treasury, and see that all moneys are there which should legally be there, and report the result of his examination to the Governor. If, on any such examination, it be found that there is a defalcation, it should be made the duty of the Governor, forthwith, to take such steps as are demanded by the interest of the State, and the ends of justice.

If the recommendations made in regard to the extension of time now allowed to collectors to settle their accounts with the state, for revenue, be adopted, as good policy requires, ample time will be given by law for all honest collectors, and others having the custody of the money of the state, to account for the same; and, then, a failure to settle promptly, at the the time the law requires, should be made a felony, and punished as such. This provision should apply, not only to collectors, but to all persons who come, officially, into possession of moneys of the state, and fail to account for them, faithfully and punctually; and, also, to all persons who shall procure money from the treasury on false pretences, or by presenting false and fraudulent accounts. Honest men, who intend to deal justly with the state, will not object to the enactment of such a law. Dishonest men are those on whom its penalties would be visited; and, of course, no law of this kind could be enacted so as to please them, or meet their approbation.

The attention of the Legislature is again called to the importance of making the Auditor's, the only office at which accounts, payable out of the State Treasury, shall be presented and adjusted.

The policy of the framers of the constitution, in creating the office of Auditor, and the law making him "the general accountant of the State," to be at all efficient, must be construed so as to give the Auditor control of *all* accounts. Any departure from this rule is inconsistent with the very reason for having an Auditor's office. If the Legislature have the power to take from the Auditor the settlement and adjustment of one class of accounts, it has the power to take from his office the adjustment of all accounts.

The rule of giving the Auditor the settlement of all accounts has been departed from, by giving to other officers the power to draw money from the treasury, on their simple order, without requiring them to file any evidence that they had faithfully disbursed it; and, by requiring the auditor to settle accounts on the certificates of other officers. After a full trial of the system of settling accounts on certificates of other officers, the auditor is convinced of its utter inutility. And he contends that the Legislature has no power to pass a law to compel him to audit an account which he *knows* to be fraudulent, though it may be regularly certified. Any officer required by law to certify accounts, should also be required to preserve in the records or files of his office, evidence of all accounts certified by him. A failure to do this, on the part of the different officers who certified the accounts of the last public printer, enabled that individual to plunder the treasury, by presenting a series of false and fraudulent accounts, which he appeared almost to have reduced to a system of swindling.

The Auditor having been put on his guard, by the discovery of some of the frauds perpetrated on the Treasury by the public printer, refused to settle the last account presented against the state by that individual, without first deducting the amount fraudulently drawn by him from the treasury, which would not only cover the amount of his account last presented, but leave him indebted to the state, in the sum of nearly $800. On this refusal of the Auditor, the public printer sold or transferred his account, which he claimed to have against the state, and departed from the State. The assignee of this account is now prosecuting a *mandamus* against the auditor to compel him to allow it, notwithstanding the frauds already discovered, and admitted on all hands, to have been perpetrated by the public printer, on the Treasury. The auditor has the fullest confidence, based upon the best legal advice, that he will be sustained in his position, by the Courts of the country.

Difficulties, arising from frauds of the kind just mentioned, may be avoided in future, by the enactment of a law, requiring the public printer, when he presents an account for printing, to present with it a copy of all the printed matter charged for; and that it be made the duty of the auditor to examine and adjust the same, and see that the work done and charges made, are in accordance with the law, and his contract with the state. When a number of copies of any kind of printed matter have to be paid for, let the receipt of the officer into whose hands the law makes it the duty of the printer to place such printed matter, for the number of copies delivered, be evidence to the auditor that the number mentioned in the receipt has been delivered; but the auditor, in no case, should audit or allow an account without first examining the work done and charges made, and seeing that they are in accordance with the contract and the law.

The question of electing a public printer, and fixing his compensation by law, would be, in the estimation of the auditor, worthy the consideration of the Legislature. It is certain that the public service can not be injured by a change from the present system. If the office of public printer be established, and the the prices for printing be fixed by law, the humiliating and mischievous plan of making specie contracts, by which the state enters into obligations, in direct violation of law, too, to depreciate her own liabilities, and makes, at the same time, an unjust discrimination, in favor of one class of her creditors, to the detriment of every other class, will be superseded by one more just to all the creditors of the state.

An act, approved January 4th, 1849, (*pamphlet Acts of that year, page* 60,) requires that the reports of the Auditor and Treasurer shall be re-printed with the laws, in order to carry out an article of the State Constitution, commanding that "a regular statement and account of the receipts and expenditures of all public money shall be published with the promulgation of the laws."

In order to carry into effect this provision of the constitution, it is not necessary that all the tables accompanying the reports of the Auditor and Treasurer, should be published. The publication of tables "A." and "B.," of the Auditor's report, would give "a regular statement and account of the receipts and expenditures of all public money" at the State Treasury, and a publication of those tables with the laws, would fully meet the requirement of the constitution; whilst, at the same time, the public acts would not be encumbered with the publication of matter which had already been made sufficiently public in the official reports of the Auditor and Treasurer; and the Public Treasury would be relieved of the heavy expense of printing the same.

Under the provisions of an act approved 11th January, 1851, "To provide for building a safe and durable wall around the Penitentiary; work shops, keeper's house; and for the improvement of the Penitentiary System," the Inspectors, (Secretary of State, Auditor and Treasurer,) according to its provisions, invited proposals, through the newspapers, for building the Penitentiary, as provided for in said law.

Mr. John Robins, of Little Rock, proposed to do the work, required by said act, for the sum of $50,000. (At this time the Auditor was absent from the State.) The contract was awarded to him, by the Inspectors; but he failed and refused to enter into a written contract, and give bond and security to the state, as the law required. On this failure on the part of Mr. Robins, the contract was awarded to Mr. H. B. Allis, for $58,000—his bid being next to that of Mr. Robins. Mr. Allis entered into bond and qualified as required by law; and took charge of the Penitentiary and convicts, under his contract, on the 7th day of April, 1851; and abandoned his contract, and threw the penitentiary and the convicts on the hands of the state, about 15th of April, 1822. The reason of this abandonment was the failure, on the part of the contractor, to comply with his contract, and the consequent refusal of the Auditor to allow his accounts for his quarterly payments as contractor. At the time Mr. Allis abandoned his contract, the Secretary of State and Treasurer, a majority of the Board of Inspectors of the Penitentiary, *recommended*, as a matter of expediency, that the Auditor issue a warrant, in favor of the Penitentiary contractor, for $1,500, but failed, and refused to give him such a certificate as, under the law, would entitle him to a quarter's pay, if he had complied with the law and his contract with the State. The Auditor, from his own observation, being satisfied that the contractor had not complied, was not complying, and would not comply, with his contract with the State; and the majority of the Board of Inspectors, as above stated, failing and refusing to give him such a certificate as would authorize the Auditor to recognize the work said contractor hand done, as a compliance with his contract, refused to audit and allow his account.

It will be seen, by reference to section 10 of the law "For building a wall, &c., around the Penitentiary," that—"*if, in their opinion, said contractor is not complying, and will not comply, with the terms of his contract, the Board of Inspectors shall withhold their certificates for the quarterly payment of such work, until they are satisfied that the contractor has faithfully complied with his contract in all respects.*"

Section 9, of the law just quoted, imposes a double duty on the Auditor, by requiring him, first, to do duty as an Inspector, and, if right, certify the contractor's account, and, after the contractor had received his "quarterly certificates upon the Auditor for such installments, the Auditor shall examine, adjust and audit the same, and see that the same are in accordance with the provisions of this act, and the terms of the contract; and, on being satisfied of the fact, shall draw his warrant," &c.

Section 5, of said act, requires the Penitentiary Inspectors, before they enter on the "discharge of their duties, to take an oath, that they will, according to the best of their abilities, carry out the true intent and meaning of this act, and faithfully perform all duties required of them by law, as Inspectors of the Penitentiary."

Under his contract with the State, Mr. Allis drew from the Treasury $3,000. For an account of this transaction, the Auditor refers to a *minority report*, made by him, as one of the Inspectors of the Penitentiary, to his Excellency JOHN SELDEN ROANE, Governor of Arkansas, on the 27th day of April, 1852. The reasons and convictions which prompted him to take the course he took then, remain unchanged. In his estimation, he took the only course authorized by the law, and permitted by the oath he had taken, when he entered on his duties as Inspector of the Penitentiary.

The majority of the Penitentiary Inspectors, in their report to the Governor, made one suggestion, to which the Auditor would respectfully call the attention of the General Assembly; taking, as he does, an entirely different view of the subject, and construing the law, as he does, widely different from them. They say, in substance, in their report to the Governor,—*if Mr. Allis is overpaid, his bond will amply secure the State from loss on that account.*

Without undertaking to argue this question, the Auditor gives it as his opinion, that the bond given by the contractor of the Penitentiary, was not to cover, or secure the State from the loss of any money which he might be able to get wrongfully from the Treasury; but was given with exclusive reference to his custody and safe-keeping of the convicts, and his general good conduct as Penitentiary contractor; and, further, to secure the State from any loss in the event of his abandoning his contract—as he has done. If this law bears any other construction, it seems strange to the Auditor that the Legislature only required the Penitentiary contractor to enter into a bond of $20,000, to secure the payment of $60,000, which the Legislature directed should be paid him, out of the Treasury, for carrying into effect the act to build the Penitentiary.

The law required that the Inspectors should "visit said Penitentiary as often as once in every two weeks, and inspect and examine the work as it *progresses*, and see that it is done in accordance with the contract, and in a faithful and workman-like manner;" and, if all this were done, directed them to give the contractor, "quarterly certificates" for such installments of his pay as they found him to be entitled to; but, "if in their opinion, said contractor is not complying, and will not comply, with the terms of his contract, the Board of Inspectors shall withhold their certificates for the quarterly payment of such work, until they are satisfied the contractor has faithfully complied with his contract in all respects."

Now, after a careful reading of this law, taking into consideration the oath and duties of the Inspectors—that they were directed to examine the work, and give the contractors certificates to entitle him to his quarterly payments, if he had *progressed* far enough with his work to entitle him to them—that they were also directed, if the contractor had not complied, and was not complying, with his contract, "to withhold their certificates for the quarterly payments of such work, until they are satisfied that the contractor has faithfully complied with his contract in *all respects*"—it does seem, that payment made to the contractor on accounts certified, as required by law, would not be recoverable from his securities, if it turned out that he had not complied with his contract, or that the Inspectors had been remiss in giving him certificates to which he was not entitled; for it was certainly intended that a quarterly certificate of the Inspectors should be an acceptance, by the State, of so much of the work done under his contract; and an acknowledgement that the contractor had complied with his contract to that extent; and if it affected the securities at all, it would certainly be a release to to them to the extent of such acceptance and acknowledgement.

To secure the interests of the State, it may be proper to bring suit against Mr. Allis and his securities, on account of losses sustained by his abandoning his contract. This cannot well be done, however, until it shall be ascertained *how much* the State has lost on that account.

In connection with the office of Penitentiary Inspector, the Auditor would respectfully suggest the propriety of a change of the law prescribing his duties in that respect. The interests of the State would be better served, in his opinion, by requiring the duties of Penitentiary Inspector to be performed by one instead of three State officers. What the law makes the duty one man, he alone is responsible for, and he, knowing and feeling his responsibility, will be the more apt to give his attention to its performance, but experience has shown that where there are a number of agents selected to execute *one* duty, men are too apt to consider that the responsibility is divided by at least as great a number as there are agents; and, as a consequence, the amount and character of duty performed by one agent, are likely to be in proportion to his share of this divided responsibility.

Advantage might, and doubtless would, accrue to the State, in the adoption of this system, by the energy with which the work would be prosecuted under the direction a single individual, as compared with delays, and even failures, which might be brought about by each Inspector having, and insisting on, a favorite plan of his own.

If, in conformity with these suggestions, the Legislature should deem it proper to change this law, either of the officers whose duty it is now to act as Penitentiary Inspectors would doubtless cheerfully perform any duties the law might require of him in that relation.

It has been ascertained that no responsible contractor will undertake to do the work required to be done by law, in building the Penitentiary, for the amount the law now authorizes to be expended for that purpose. The Auditor has, therefore, estimated the cost of the Penitentiary, for the next two years, at $20,000. If the system be continued, it is estimated that the work required to be done, cannot be done for a less sum.

Section 17, of the act approved 10th January, 1851, (*pamphlet Acts, page* 113), makes it "the duty of the Auditor of Public Accounts, forthwith, to provide and open a complete set of books in his office, in respect to the Seminary and 500,000 acre grant, separately, and to exhibit therein, the exact condition of each and every tract of said lands, and of the bonds and notes given therefor, and of the funds arising therefrom; and it shall be the duty of the Treasurer, Land Attorney, and Land Agent, to furnish the Auditor with any and all information, on request, necessary to enable the said Auditor to make complete the proper entries in said books."

In accordance with the provisions of this section, the Auditor has procured and opened the necessary books, in his office, in regard to each of these Funds.

In respect to the Internal Improvement grant of 500,000 acres of land, it appears that there have been located, and confirmed to the State, ... 499,889.21 acres.

That there have been located but not yet confirm to the State, ...	110.79	"
Amount sold, ...	399,376.58	"
Amount on hand for sale, ...	100,512.63	"
Amount received on account of purchases of said lands, ...	$137,632 31	
Amount due for same, about, ...	400,000 00	

In respect to the Seminary Fund, it appears that there have been located, and confirmed to the State, . . . 43,416.69 acres.

And that there is yet to be located by the State,	2,663.31	"
Amount sold, ...	25,668.85	"
Amount on hand for sale, ...	17,478.04	"
Amount received on account of purchase of said lands, ...	$37,319 09	
Amount due for same, about	60,000 00	

As authorized by section 17, of law just quoted, the Auditor called on the Land Agent for information in regard to money received by him on account of the 500,000 acre Fund, the application made of it, &c.; in response to which, the Land Agent made a report, showing that he had received, on account of the 500,000 acre Fund, the sum of $11,460 88

And claiming a credit on account of moneys paid into the Treasury, and expended by him about his office, &c., of	11,609 61
And claiming a balance due him, of	$148 73

By receipts of the Treasurer, it appears that the Land Agent paid of this amount, into the Treasury, the sum of $8,649 38.

The balance of the credits claimed by the Land Agent, are for his salary, and for plats and contingent expenses of his office, &c. These amount to the sum of $2,960 23. There is no law, known to the Auditor, which authorizes the Land Agent to settle his accounts by retaining this amount in his hands. And there is a law requiring these accounts to be settled in another manner. In regard to this transaction, the Auditor would suggest to the Legislature, the propriety of the appointment of a committee, whose duty it should be to make full investigation of the facts of the case, and, if they find all the credits claimed by the Land Agent to be proper, to report a bill for his relief, allowing them to him. The Auditor knows of no other way of properly adjusting this account

The propriety is respectfully suggested to the Legislature of abolishing the offices of both the Land Agent and the Land Attorney, and making them, what they should at first have been made, a part of the Auditor's and Treasurer's offices. The labor pertaining to these offices can be done by the Auditor and Treasurer without any additional cost to the State, and without any increase of labor on their part. The law requiring the Auditor to take an account of said lands, makes it, already necessary, for him to do all the labor necesarily attendent on the State Land Office, if made a part of the Auditor's office.

The necessity of the Land Attorney's office can be oviated, and, at the same time, the interests of the State advanced, by requiring persons, on making application for the purchase of any State lands, to pay at least twenty per cent. of the purchase-money in advance, giving their bonds to the State for the balance of the purchase-money, in four or five annual installments, and providing that the land, and all the payments, should revert to the State, on a failure of the purchaser to pay into the Treasury, any two consecutive installments on his bonds, when they become due.

By the adoption of this suggestion, the Internal Improvement and Seminary Funds will save the amount of the salary now paid to the State Land Agent, the commissioners of the Land Attorney, and the costs attending law suits, which frequently have to be paid by the State; whilst the mode of disposing of the lands will be simplified, and the State always secured the purchase-money without expense or trouble to her officers. The salaries and costs mentioned above, amounted in the last two years, to more than $3,500. The Auditor can see no reason for continuing those offices, unless it be the policy of theState to create offices and pay salaries for officers where there is no use for their services.

The policy of restricting purchasers to 640 acres of the 500,000 acre lands, is not good. It is evaded continually by speculators, who make application in the name of other persons, and, after the land is taken up, procure an assignment of the certificates of purchase, and then substitute their own notes for the orignal notes given for the land. In this way, large amounts of land have been taken up, solely for speculation, by some persons who are not residents of the State, and by others who are residents, or sojourners here, but who are entirely insolvent and irresponsible. If these speculators succeed in selling their *certificates of purchase* for a small advance, they will assign them again to another purchaser; but if they fail to sell, they make no payments, and the land, after all the notes become due, reverts again to the State; when it may be again taken up by a speculator and forfeited in the course of time, in the same manner. By repealing the law limiting the quantity of this land to be purchased by one person, the necessity of making assignments of certificates and the substitution of notes, would be avoided. By requiring purchasers to make a payment, in advance, of twenty per cent., and securing the balance as suggested above, speculators will give way to *bona fide* purchasers, and thus lands will be bought, and paid for, and more speedily settled, and cultivated.

When two or more persons apply for the same piece of 500,000 or Seminary lands, or lands forfeited to the State for non-payment of taxes, and are anxious to purchase the same, it would be well to give the officer whose duty it is to dispose of such lands, authority to offer the land, so sought for at public auction, to the highest bidder, in a summary manner.

Table "N.," shows the indebtedness of the State, for amount of principal and interest due on bonds sold by the State Bank, and remaining unpaid, on the 1st day of October, 1852, to be	$1,558,620
Table "O.," shows the amount due for bonds issued by the Real Estate Bank, and sold for capital stock, including interest thereon, until the 1st day of October, 1852, to be	$2,381,750
The Bank also owes on 500 hypothecated bonds in the hands of James Holford, and interest thereon since 7th September, 1840,	$211,000

The State is not now prepared to meet either the principal or the interest on these bonds; but, from an intimate acquaintance with the citizens, and some knowledge of the resources of the State, the Auditor hazards nothing in saying that both the principal and interest of these bonds will be eventually paid.

The State of Arkansas is rich in resources, but, at present, poor in available means. Her resources, like the wealth of a vast mine, hidden deep in the bowels of the earth, will require labor to develop them. To develop these resources, pay the indebtedness of the State, and place us in a position to be a happy and prosperous people, is a subject of as great magnitude as can be brought before an enlightened and patriotic Legislature.

One great means, in the opinion of the Auditor, of developing the resources of the State, will be by legislative action, to foster Internal Improvements. The policy of the Congress of the United States in granting lands to other States for the purpose of building Railroads, and other works of Internal Improvement, will doubtless be extended to Arkansas. Laws should be passed to induce capitalists so come among us and invest their capital in works of Internal Improvement. It would also be highly conducive to the success of the cause of Internal Improvement, to enact laws, or incorporate features in the charters to be granted for Railroads, by which our citizens would be enabled to pay off their shares of stock in labor or material for the road.

If a law can not be passed taxing the lands and other property in the State for the purpose of Internal Improvements, it would be highly expedient to enact a law whereby the citizens of the different counties would be enabled to tax themselves for the purpose of carrying on any work of Internal Improvement in which they think proper to engage. This tax could only be levied by the people themselves, and would, in no way, be detrimental to, or interfere with the interests of those counties which might not deem it proper or expedient to tax themselves. It is known that every year, if not every day in the year, we hear it said that Arkansas is taxed higher than any State in the Union. This is not so. And when such an argument is used against Internal Improvements, it is generally used by a demagogue, who is either too ignorant or too dishonest to be relied on. The State of Ohio pays a larger tax, for Internal Improvements alone, than is paid by the State of Arkansas for all State purposes. Independent of her Internal improvement tax, that State has a tax, as we have, for the support of her State government, as well as taxes for other purposes. Many other States, as may be seen by the reports of their Auditors, are taxed higher than Arkansas.

The investment of capital in the State would be promoted by granting charters, or, perhaps, best by enacting a general law, authorizing the establishment of Insurance Offices. Immense sums of money are paid by our citizens, each year, to the Insurers of other States; and, for lack of information, they are frequently largely losers by insuring at insolvent or unsafe offices. By having Insurance offices at home, persons wishing to make a profitable investment of capital, would have an opportunity of doing so, and, in many instances, losses to our citizens, would be avoided.

The policy of connecting State governments with Banks is exploded, but it is thought that the subject of free, or individual banking as a separate branch of business, would be eminently worthy the consideration of the Legislature. In the language of an eminent financier: "Banks have lost the power, under the increase of private capital, and the immense accumulation of the precious metals, to raise and depress prices, by the capacity of expansion and contraction. The days of Banks are over, as associated companies; they will exist as private establishments, and the change will be of incalculable advantage to the public." Banking, as a monopoly, and where it is confined by law to a privileged few, is obnoxious to objections, and repugnant to the genius and the spirit of the age in which we live. But no reason can be shown why a citizen should be restrained by law, from banking as a business, any more than that laws should be passed to restrict the business of selling merchandise, or raising corn or cotton.

Having made, according to the requirements of the law, a full and detailed statement of the workings of the Treasury, for the two years ending 30th September, 1852; and suggested to the Legislature such "*plans*" as he has thought "expedient for the support of the public credit, for lessening the public expenses, for using the public money to the best advantage, and for promoting economy in the public offices, and generally, for the better management and more perfect understanding of the fiscal affairs of the

State;" the Auditor respectfully submits his report to the General Assembly, and appeals their enlightened judgment in behalf of the suggestions and recommendations he has made.

C. C. DANLEY,
Auditor of Public Accounts
of the State of Arkansas.

On motion of Mr Izard, the communication and report of the Auditor were received and laid on the table for the present.

Mr Fletcher introduced the following

RESOLUTION:

Resolved, That the Secretary be instructed to procure one of Langtree's sectional maps, for the use of the Senate during the present session.

Which was read and adopted.

Mr Berry presented a petition signed by 40 citizens of the town of Huntsville, in Madison county, praying the passage of an act corporating said town.

Which was read, and on motion of Mr Berry, referred to a select committee, consisting of

Messrs Berry, Harrison, Davidson, Henson, Fletcher.

The following message was received from the House of Representatives by Miller Quail, Esq., assistant clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have organized by electing Benjamin P. Jett speaker, James H. Hobbs principal clerk, Miller Quail assistant clerk, John W. Woodward enrolling clerk, Ranson B. Thompson doorkeeper, and Rev. Andrew Hunter chaplain; and are now ready to proceed to business.

JOHN H. HOBBS,
Clerk House of Representatives.

Mr Chapman moved that a committee on apportionment, consisting of one from each judicial circuit, be appointed by the chair.

Which motion prevailed.

On motion of Mr Hampton, the Senate adjourned.

Wednesday, November 3, 1812.

Senate met pursuant to adjournment.

The roll was called by order of the president, and twenty-two Senators answered to their names.

Prayer by Rev. A. R. Winfield, chaplain.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House

have adopted a resolution, appointing a joint select committee, to consist of five members of the House of Representatives, to act in conjunction with such members as may be appointed by the Senate, to wait on his excellency, the Governor, and inform him that the two Houses have organized, and are now ready to receive any communication that he may be ready to make.

The committee on the part of the House, are

Messrs Cline, Rainey, Maddux, Wilson of Marion and Ashley.

JAMES H. HOBBS,
Clerk House of Representatives.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have appointed a committee, to consist of six members, to act in conjunction with such committee as may be appointed on the part of the Senate, for the purpose of complying with the requisition of a resolution, adopted at the last sesssion of the General Assembly, requiring a settlement with the Secretary of State, for certain public moneys, with the disbursement of which he had been entrusted.

The committee on the part of the House, are

Messrs Coldwell, Rust, Saffold, Saunders and Redmond.

JAMES H. HOBBS,
Clerk House of Representatives.

The journal of yesterday was read and approved.

The president announced the following standing committees;

On the Judiciary—Messrs Burrow, Clarke, Harrison, Lemoyne and Poindexter.

On Auditor and Treasurer's Books—Messrs Hampton, Harley, Davidson, Mitchell and Billingsley.

On the Militia—Messrs Miller, Izard, Fletcher, Harrison and Hawkins.

On Banks—Messrs Lemoyne, Chapman, Harley, Underhill and Miller.

On Education—Messrs Chapman, Burrow, Huey, Clarke and Davidson.

On Internal Improvements—Messrs Underhill, Izard, Hampton, Mitchell and Fletcher.

On Ways and Means—Messrs Poindexter, Harley, Harrison, Rose and Underhill.

On Agriculture—Messrs Maxwell, Berry, Ellis, Fletcher and Izard.

On County and County Lines—Messrs Davidson, Lemoyne, Maxwell, Berry, Fletcher and Henson.

On Public Roads—Messrs Billingsley, DeShongh, Huey, Henson and Ellis.

On Enrolled Bills—Messrs Mitchell, Berry, Rose, Harrison and Chapman.

On Elections—Messrs Harley, Hampton, Underhill, Chapman, and DeShongh.

On Public Printing—Messrs Hampton, Clarke, Poindexte, Huey and Hawkins.

On the Penitentiary—Messrs Izard, Miller, Lemoyne, Henson and Billingsley.

On Claims—Messrs Clarke, Miller, Ellis, Henson and DeShongh.

On Memorials— Messrs DeShongh, Harrison, Hawkins, Davidson and Maxwell.

On Public Buildings—Messrs Berry, Izard, Clarke, Harley and Rose.

On Public Expenditures—Messrs Huey, Burrow, Billingsley, DeShongh and Maxwell.

The chair appointed Messrs Chapman, Izard, Harley, Mitchell, Henson, Hampton and Fletcher a committee to apportion the State into Congressional Districts.

Mr Rose presented the petition of C. B. Mann, sheriff of Johnson county, representing, that, in consequence of the illness of John B. Brown, Judge of the county court of Johnson county, there was a failure to hold a special term of said court, on the 2d Monday of November, 1851, for the purpose of acting on the delinquent list of said collector; by means whereof he was compelled to pay into the Treasury the full amount of the revenue appearing on the tax book; that the said John B. Brown departed this life on the 20th September last, whereby there will again be a failure to hold said special term: and praying the passage of a law, granting him relief, and extending the time to 1st February next, for his paying into the Treasury the revenue of said county.

Which was read.

On motion of Mr Rose, the petition was referred to a select committee, consisting of Messrs Rose, Fletcher and Hawkins.

Mr Chapman introduced the following

RESOLUTION:

Resolved, That the committee on apportiontment, made yesterday by tne Senate, be amended, by adding another member to said committee.

Which was read and adopted.

Mr Underhill, from a joint select committee made the following

REPORT:

Mr President:

The committee appointed to wait upon His Excellency, the Governor, and inform him of the organization of the General Assembly, have discharged the duty assigned them; and I am directed to report, that His Excellency will be ready to make a communication to the General Assembly this day at 11 o'clock, A. M.

UNDERHILL, *Chairman.*

Mr Berry laid before the Senate the following report of the internal improvement commissioner of Madison county:

To the Honorable, the General Assembly of the State of Arkansas:

The undersigned, internal improvement commissioner for the county of Madison, in the State of Arkansas, begs leave to submit to your honorable body the following

REPORT:

The whole amount of money received under the act distributing the proceeds of the sales of the 500,000 acre donation, for the county of Madison, up to November 1st, 1852,		$1,832 65
Total amount of expenditures, as per my report to the last General Assembly, (to which I respectfully refer,)		$844 63
It will be seen that the total amount on hand, is	$988 02	
Value of tools on hand,	15 00	
		$1,003 02

The whole amount on hand, except an amount sufficient to pay expenses, as above stated, has been let out at interest, on good security, for the last two years.

All of which is respectfully submited.

WILLIAM M. PAYNE,
Int. Imp't Commissioner,
for Madison county.

November 3, 1852.

Mr Hampton introduced the following

RESOLUTION:

Resolved, That the House of Representatives be informed, that the Senate will meet them in the Representative Hall to day at 11 o'clock, A. M., for the purpose of receiving a communication from His excellency, the Governor.

Which was read and adopted.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the hall of the House of Representatives will be ready for the reception of the Senate, to receive the message of the Governor at 11 o'clock, A. M., and that the Senate be requested to concur therein.

JAMES H. HOBBS,
Clerk House of Representatives.

On motion of Mr Harley, the secretary was directed to inform the House of Representatives, that the Senate would meet them in their hall, at the time designated in their message.

Mr Lemoyne gave notice, that he would, on Monday next, introduce a bill, providing for every actual settler in the State of Arkansas, being the head of a family, a homestead, which shall not be liable to execution.

On motion of Mr Underhill, the Senate took a recess until 11 o'clock, A. M.

At 11 o'clock, A. M., the Senate convened.

Mr Harley moved a call of the Senate.

(A.)

A TABULAR STATEMENT, exhibiting the amount of appropriations made at the session of the General Assembly, held in November and December, 1850, and January, 1851, with balances of former appropriations reported as unexpended, 30th September, 1850, and amounts transferred or added thereto, under acts as hereinafter stated; and also amounts of Warrants drawn under the appropriate heads; and the Seminary Fund, reported by the State Treasurer as paid out, without Warrants, during the two years ending with 30th September, 1850; and the balance of each appropriation unexpended at the expiration of that day.

FOR WHAT PURPOSES APPROPRIATED.	Amount of appropriations.	Am't of warrants drawn.	Balance unexpended.	
To pay members and officers of the General Assembly by act of 9th December, 1850, including balance unexpended 30th September, 1850,	$35,232 20	$30,180 20	$5,052 00	1
To pay for printing and distributing the Acts and Journals, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	8,688 10	5,422 70	3,265 40	2
To pay contingent expenses of the Senate and House of Representatives, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	9,310 51	3,128 91	6,181 60	3
To pay for fuel and stationery for the use of the General Assembly, and fuel for the offices of the Governor, Secretary of State, Auditor and State Treasurer, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	2,665 50	504 64	2,160 86	4
To pay contingent expenses of the Executive Department, including the offices of Secretary of State, Auditor and Treasurer, and to pay contingent expenses of the Supreme Court, balance unexpended 30th September, 1850,	3,067 08	2,973 47	93 61	5
To pay contingent expenses of the Executive Department, including the offices only of Governor and the Secretary of State, and to pay contingent expenses of the Supreme Court, by act of 11th January, 1851,	11,000 00	8,360 21	2,639 79	6
To pay contingent expenses of the offices of Auditor and Treasurer, by act of 11th January, 1851,	1,000 00	921 85	78 15	7
To pay the salary of Governor, by act of 9th December, 1850, including balance unexpended 30th September, 1850,	4,391 51	3,600 00	791 51	8
To pay the salary of the Governor's private Secretary, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	1,031 57	1,000 00	31 57	9
To pay the salary of the Secretary of State, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	2,329 83	2,000 00	329 83	10
To pay the salary of the Treasurer of the State, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	1,863 86	1,600 00	263 86	11
To pay the salary of Auditor of Public Accounts, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	2,795 89	2,400 00	395 80	12
To pay the salaries of the Judges of the Supreme Court, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	12,110 60	9,000 00	3,110 60	13
To pay the salaries of the Judges of the Circuit Courts, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	22,467 25	15,339 48	7,127 77	14
To pay the salaries of Prosecuting Attorneys, and to pay prosecuting Attorneys pro tem., by act of 11th January, 1851, including balance unexpended 30th September, 1850,	5,872 82	5,500 00	372 82	15
To pay for advertising lands for sale for Taxes, by the Auditor, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	497 80	171 00	326 80	16
To pay Land Officers for lists of lands, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	649 10	463 38	185 72	17
To pay for recording and arranging in township order, abstract of lands reported to the Auditor as taxable, balance enexpended 30th September, 1850,	465 97	97 89	368 08	18
To pay all costs which have been, and all which shall hereafter be adjudged against the State, and the Bank of the State of Arkansas, in suits heretofore commenced, or which shall hereafter be commenced by the State, and the Bank of the State of Arkansas, or by any person or persons against the State, or Bank of the State of Arkansas, by act of 11th Janury, 1851,	4,000 00	3,997 95	2 05	19
To pay costs in suits instituted by the Bank, which costs, under the act of the General Assembly, approved 9th January, 1849, were made payable out of the State Treasury, by act of 23d December, 1850,	3,000 00	2,989 55	10 45	20
To pay the salary of the Financial Receiver of the Bank of the State of Arkansas, the amounts of per centage due the several Attorneys of said Bank, and the amounts of per diem due the Bank Agent, appointed by the Governor, for the years 1849 and 1850, and arrearages of salaries due Bank officers for services rendered by them, under their old commissions, and previous to the sixth of April, 1849, by act approved 4th January, 1851,	13,000 00	13,000 00		21
To pay costs which have or shall accrue in State prosecutions, balance unexpended 30th September, 1850,	788 21	229 78	558 43	22
To pay for any necessary repairs of the Public Buildings on the State House Square, by act of 11th January, 1851,	250 00	250 00		23
To pay Warrants drawn under an act approved 14th January, 1843, to authorize the Auditor to draw Warrants on the Treasury in certain cases,	232 93	232 93		24
To pay proper officers of the different counties, Escheated Funds for Schools, by act of 11th January, 1851,	96 25	33 54	62 71	25
To pay for printing, binding and distributing the reports of the Decisions of the Supreme Court, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	4,544 41	3,482 88	1,071 53	26
To pay the salary of the Reporter of the Decisions of the Supreme Court, by act of 11th January, 1851, including balance unexpended 30th September, 1850,	476 58	450 00	26 58	27
To amount appropriated to pay the necessary expenses for the finish and furniture of the Library and Consultation Room, for the Judges of the Supreme Court, by act of 9th January, 1851,	500 00	456 70	43 30	28
To pay for the increase of the Library of the Supreme Court, and to pay the expenses thereof, by act of 9th January, 1851,	400 00	400 00		29
To pay clerk hire in the Auditor's Office, by act of 11th January, 1851,	2,400 00	2,051 76	348 24	30
To pay all debts on account of the Penitentiary, which accrued before the present Contractor to re-build the Penitentiary took the same in charge, balance unexpended 30th September, 1850,	1,073 55		1,073 55	31
To pay Contractor for work to be performed by him on and about the Penitentiary, by act of 11th January, 1851,	12,000 00	3,000 00	9,000 00	32
To pay special appropriations, by act of 21st November, 21st and 30th December, 1850, and 4th, 6th, 7th, 9th, 10th and 11th January, 1851,	24,264 30	24,264 30		33
To pay the salaries of Officers of the Bank of the State of Arkansas, and to pay judgments that are or may be obtained against the Bank, by act of 10th January, 1845, balance unexpended 30th September, 1850,	350 00	350 00		34
To pay the State Treasurer for receiving and disbursing the Internal Improvement and Seminary Funds, by act of 10th January, 1851,	550 00	550 00		35
To amount appropriated to carry into effect the provisions of an act to distribute the proceeds of the 500,000 acres of Lands donated to the State of Arkansas, for purposes of Internal Improvement, balance unexpended 30th September, 1850,	993,507 99	76,162 84¾	917,345 84¼	36
To amount appropriated to carry into effect the provisions of an act to divide the Seminary Fund, and to establish Common Schools, balance unexpended 30th September, 1850, Note.—In addition to the warrants drawn upon this appropriation, there has been paid out by the Treasurer, without warrants, as reported to the Auditor, $7,018 40, which amount is also stated in the column of Expenditures,	242,407 91	17,105 84	225,302 07	37
To pay costs accruing in the prosecution of suits by the State in respect to the 500,000 acre Lands, by act of 21st December, 1850,	537 70	537 70		38
To pay costs accruing in the prosecution of suits by the State in respect to the Seminary Funds, by act of 21st December, 1850,	153 16	153 16		39
To pay for necessary plats for the office of Land Agent, and also for any contingent expenses of said office out of the Internal Improvement Fund, by act of 10th January, 1845,	276 95	276 95		40
To amount appropriated to reimburse Internal Improvement Fund, by the State Treasurer, money borrowed from that Fund by the State, by act of 11th January, 1851,	33,844 11	33,844 11		41
To pay for books necessary to carry into effect the provisions of an act in respect to the Seminary Fund, and to pay any extra clerk hire in the Auditor's office, in respect to said Fund, by act of 10th January, 1851,	483 00	483 00		42
To pay for all books necessary to carry into effect the provisions of an act in respect to the 500,000 acre Land Fund, and to pay any extra clerk hire in the Auditor's office, in respect to said Fund, by act of 10th January, 1851,	845 50	845 50		43
To amount appropriated and set apart for the benefit of the Clarksville Institute, out of the Seminary Fund, by act of 3d January, 1851,	1,000 00	1,000 00		44
To amount appropriated to carry into effect the provisions of an act in relation to the Penitentiary House of this State, balance unexpended 30th September, 1850,	1,889 58	1,889 58		45
To pay the salary of State Land Agent out of the Internal Improvement Fund, by act of 11th January, 1851,	1,000 00	1,000 00		46
To pay the arrearages of salary of Commissioners of Public Buildings, balance unexpended 30th September, 1850,	2 47		2 47	47
To pay the salary of the Adjutant General, balance unexpended 30th September, 1850,	33 81		33 81	48
To pay Electors of President and Vice President of the United States, balance unexpended 30th September, 1850,	135 59		135 59	49
To pay for revising, arranging, inspecting, printing, stitching and binding the Laws, Civil and Criminal, balance unexpended 30th September, 1850,	359 84		349 84	50
To pay all expenses and costs in prosecutions of persons for making and circulating spurious Gold and Silver Coin, and paper purporting to be of certain Banks or Corporations, balance unexpended 30th September, 1850,	849 35		849 35	51
To pay Special Judges of the Supreme Court, balance unexpended 30th September, 1850,	200 00		200 00	52
To pay for Laws of the United States purchased, and other books which shall be purchased in compliance with law, for the State Library, balance unexpended 30th September, 1850,	291 00		291 00	53
To pay Sheriffs fees, and other contingent expenses of calling out the Militia, under the act of 3d March, 1838, unexpended 30th September, 1850,	2,000 00		2,000 00	54
To pay officers of the Bank of the State of Arkansas, to be paid out of the assets of the Bank, by the Financial Receiver, at Little Rock, by act of 23d December, 1846, unexpended 30th September, 1850,	13,200 00		13,200 00	55
To pay expenses of calling out the Militia, under act of 3d March, 1838, unexpended 30th September, 1850,	12,000 00		12,000 00	56
To amount appropriated by act of 3d March, 1838, to carry into effect the 11th section of said act, to sustain the sovereignty of the State, unexpended 30th September, 1850,	50,000 00		50,000 00	57
	$1,548,393 69	$281,701 80¾	$1,266,691 88¼	

(B.)

RECEIPTS, &c.

A TABULAR STATEMENT, showing the Receipts into the State Treasury, from all sources, and the kind of Funds received, during the two years ending with the 30th day of September, 1852; the amount of Treasury Warrants reported by the State Treasuror as issued; the Expenditures of the State through the State Treasury during the same period; and the balance remaining in the State Treasury on the 1st day of October, 1352.

TIME PAID IN	Cash paid by Collectors.				State tax paid for the redemption & purchase of forfeited lands.		Amount received by the State Treasurer for the sale of the Digests of the Statutes of Arkansas, according to receipts on file.	Amount refunded to the State Treasury by T. B Flournoy, on account of mileage.	Specie refunded to State Treasury on account of runaway slaves released from Penitentiary, by owner.	Amount paid into the State Treasury, by Wm. E. Woodruff, late State Treasurer, upon a judgment against said Woodruff in favor of the State, in Arkansas Bank Paper.
	In Specie.	Arkansas Treasury Warrants.	Interest on Arkansas Treasury Warrants.	Old State Scrip and interest.	Specie.	Arkansas Treasury Warrants.				
4th Quarter of 1850,	$34,160 76	$27,896 74	$590 83	$55 20	$50 53	$ 4 15	$297 03			
1st Quarter of 1851	9,441 04	1,159 12			44 69	663 70				
2d Quarter of 1851,	1 18	751 56			6 28	122 63		$18 00		
3d Quarter of 1851,	1 61	8,168 99			16 71	195 85				
4th Quarter of 1851,	20,024 75	49,748 33			50 46	154 31				
1st Quarter of 1852,					29 02	1,401 89				$3,755 00
2d Quarter of 1852,		1,684 17			6 06	54 06			$149 50	
3d Quarter of 1852,	3 50	373 54			14 28	34 50				
	$63,630 84	$89,782 45	$590 38	$55 20	$218 03	$2,631 09	$297 03	$18 00	$149 50	$3,755 00
Balance of each fund in the State Treasury, 1st October, 1850,										
Balance due from the State to the Funds indicated, but not actually in the Treasury on the 1st October, 1850,										

TIME PAID IN	Amount paid into the State Treasury on account of the 500,000 acre land Fund.		Amount received by the State Treasurer of the Seminary Fund, according to receipts on file in the Auditor's office.	Treasury Warrants issued by the State Treasurer to redeem Auditor's Warrants, as reported by the State Treasurer.	Total amount paid into the State Treasury for State Revenue, including Treasury Warrants issued, and the interest thereon, and old State Scrip and interest, and the Seminary and 500,000 acre land Fund, and Arkansas Bank paper.	County Taxes paid into the State Treasury for the redemption and purchase of lands forfeited for taxes.			
	Specie.	Arkansas Bank paper.				Arkansas Bank paper.	Specie.	County Scrip.	Arkansas Treasury Warrants.
4th Quarter of 1850,	$6,363 72		$2,085 40	$20,101 30	$91,605 21		$ 39 39	$	$ 3 90
1st Quarter of 1851	7,100 28		3,780 33	66,691 86	88,881 02		156 53	89 80	
2d Quarter of 1851,	8,339 55		2,010 89	15,161 05	26,411 14		49 77	15 79	
3d Quarter of 1851,	1,861 73		667 20	7,833 50	18,748 59		39 03	82 57	
4th Quarter of 1851,	1,923 30		2,573 80	17,031 54	91,506 49		72 72	52 35	
1st Quarter of 1852,	10,035 41		1,308 21	6,147 60	22,677 13		247 44	192 43	
2d Quarter of 1852,	14,526 54	$504 10	1,036 15	9,332 44	27,293 02		21 07	17 49	
3d Quarter of 1852,	7,311 78		560 51	10,194 89	18,491 00		17 65	9 50	
	$57,465 31	$504 10	$14,022 49	$152,494 18	$385,613 69		643 60	459 93	3 90
Balance of each fund in the State Treasury, 1st October, 1850,	41,523 85¾		41,351 10				389 54		543 81
Balance due from the State to the Funds indicated, but not actually in the Treasury on the 1st October, 1850,						$102 59			

TIME PAID IN	County taxes paid into the State Treasury by non-residents for taxes on lands, in Treasury Warrants.	Amount received at the State Treasury on account of the Monument Fund, in specie.	Escheats in Phillips county under sec. 35 of school law, specie.	Escheats in Lawrence co., under sec 35 of school law, specie.	Escheats in Yell county, under sec. 35 of school law, specie.	Escheat in Pulaski county under sec. 35 of school law.	Common School Fund under sec. 135 of Revenue Law.	Funds of the State in the Treasury 1st October, 1850, as per table "C." in Auditor's Report of 1st October, 1850. That table was divided into three parts. No. 1, specie; No. 2, Arkansas Bank paper; No. 3, Arkansas Treasury Warrants.			Total amount paid into State Treasury from all sources, including Treasury Warrants issued by the State Treasurer.
			Specie.	Specie.	Specie.	Arkansas Bank paper.	Arkansas Bank paper.	No. 1. Balance specie applicable to the redemption of Treasury Warrants, 1st October, 1850.	No. 2. Arkansas Bank paper in Treasury, 1st Oct. 1850.	No. 3. Redeemed Arkansas Treasury Warrants in the Treasury 1st October, 1850.	
4th Quarter of 1850,											91,648 50
1st Quarter of 1851											89,127 35
2d Quarter of 1851,											26,476 70
3d Quarter of 1851,											18,870 19
4th Quarter of 1851,		45 00									91,076 56
1st Quarter of 1852,											23,117 00
2d Quarter of 1852,											27,331 58
3d Quarter of 1852,											18,518 15
		45 00									
Balance of each fund in the State Treasury, 1st October, 1850,	$59 11		$21 66	06	$40 99			$2,288 84 5-6	$2,000 79	$142,482 19	203,701 95 7-12
Balance due from the State to the Funds indicated, but not actually in the Treasury on the 1st October, 1850,						$33 54	$124 00				260 13
											590,728 11 7-12

EXPENDITURES.

TIME EXPENDED.	Amount of Auditor's Warrants issued during the two years ending 30th September, 1852.	Auditor's Warrants redeemed by the State Treasurer.			Total amount of Auditor's Warrants redeemed.	Amount of the Seminary Fund paid out without Warrants in addition to the amount paid with Warrants.	Amount of Auditor's Warrants outstanding 1st October, 1852, of which $1,250 were issued before the 1st October, 1844, and $30 were issued 1st quarter of 1851.
		Arkansas Treasury Warrants.	Specie.	Arkansas Bank paper.			
4th Quarter of 1850,	$37,952 57	$20,101 30	$16,103 92		$30,205 22	$4,608 89	Warrants outstanding, one thousand two hundred and eighty dollars.
1st Quarter of 1851,	105,156 76	66,691 86	39,456 21		106,148 07	2,409 51	
2d Quarter of 1851,	33,437 98¾	15,161 05	18,292 12¾		33,453 17¾		
3d Quarter of 1851,	20,375 25	7,833 50	11,662 85		19,496 35		
4th Quarter of 1851,	29,649 84	17,031 54	13,582 39	350 00	30,963 93		
1st Quarter of 1852,	10,099 64	6,147 60	4,289 20		10,436 80		
2d Quarter of 1852,	12,550 64	9,332 44	3,184 66	33 54	12,550 64		
3d Quarter of 1852,	25,460 72	10,194 89	15,265 83		25,460 72		
	$274,683 40¾	152,494 18	$121,837 18¾	$383 54			
					$274,714 90¾	$7,018 40	

TIME EXPENDED.	Drafts of county Treasurers paid on account of lands redeemed and sold.			County taxes refunded without warrants.		Total amount of county taxes paid out on account of lands redeemed and sold.	Drafts of county Treasurers paid on account of taxes paid by non-residents.
	Specie.	Arkansas Treasury Warrants.	County Scrip.	Specie.	County Scrip.		
4th Quarter of 1850,	26 20	257 28				283 48	10 29
1st Quarter of 1851,	83 56				9 23	92 79	
2d Quarter of 1851,	124 22			5 28	4 77	134 27	5 13
3d Quarter of 1851,	20 58					20 58	
4th Quarter of 1851,	294 07					294 07	
1st Quarter of 1852,	21 44		46 20	11 80		79 44	
2d Quarter of 1852,	107 21		37 85	2 80		147 86	
3d Quarter of 1852,	38 12		60 49	38 38		137 11	
	$715 40	$257 28	$144 54				
				$58 38	14 00	1,189 60	15 33

TIME EXPENDED.	Arkansas Treasury Warrants redeemed with specie, as reported by the State Treasurer.	Interest on Arkansas Treasury Warrants, paid with specie by the State Treasurer.	Total amount paid out.	Add amount absorbed by the receipts of Arkansas Treasury Warrants, and interest thereon, for State Revenue.	Add amount due from the State, but not in the Treasury, on the 1st October, 1850.	Add amount of redeemed Arkansas Treasury Warrants in the Treasury 1st October, 1850.	TOTAL AMOUNT.	
4th Quarter of 1850,	8,124 65	414 16	49,646 60	28,546 47	260 13	142,482 19	$220,935 39	
1st Quarter of 1851,	5,391 43		114,041 85	1,822 82			115,861 62	
2d Quarter of 1851,	135 00		33,727 57¼	874 19			31,601 70¾	
3d Quarter of 1851,	140 70		19,657 63	8,364 84			28,022 47	
4th Quarter of 1851,	4,317 63		35,575 73	49,902 61			85,478 37	
1st Quarter of 1852,			10,516 24	1,401 89			11,918 13	
2d Quarter of 1852,			12,698 50	1,738 23			14,436 73	
3d Quarter of 1852,			25,597 83	408 04			26,005 87	
	18,109 51	414 16	301,461 90¾	93,059 12	260 13	142,482 19	$537,263 31¼	537,263 34 3-4
Balance in the Treasury 1st October, 1852, composed of the amounts stated below,								53,464 76 5-6

This balance is composed of the sum of $16,692 22.5-6-100 specie applicable to the redemption of Treasury Warrants; $400 65-100 Arkansas Treasury Warrants, received from Wm. Adams, on general revenue account, but not cancelled; $5,617 36-100 Arkansas Bank pa : $656 28-100 specie, belonging to counties, and Phillips, Lawrence and Yell county School Commissioners; $19,616 17-100 specie, and $504 10-100 Arkansas Bank paper, belonging to the Internal Improvement Fund; $9,631 59-100 specie, belonging to the Seminary Fun ; $301 39-100 County Scrip, belonging to the counties on account of county tax paid for the redemption and purchase of forfeited lands; and $45 specie, belonging to the Monument Fund.

(C.)

AN ANALYSIS of Table "B," forming four parts; No. 1, relative to specie; No. 2, Arkansas Bank paper; No. 3, Arkansas Treasury Warrants: and No. 4. County Scrip.

No. 1.

A STATEMENT, showing the amount of specie which was in the Treasury on the 1st October, 1850; the amount paid in during the two years ending with the 30th September, 1652; the amount paid out during the same time; and the balance in the Treasury on the 1st October, 1852.

		Total amount of specie received from all sources.
Specie in the Treasury, 1st October, 1850.		$58,616 05 7-12
Specie received from all sources during the two years ending with the 30th September, 1852, ...		130,824 01
		$195,440 06 7-12
The following amounts have been reported to the Auditor as having been expended, viz:		
To redeem Auditor's Warrants, . . .	$121,837 18¾	
Paid to the county Treasurers, on account of the Seminary Fund distributed, . . .	7,018 40	
Paid out on drafts of county Treasurers, county taxes, which had been paid into the State Treasury in specie, on account of forfeited lands redeemed and sold, ...	715 40	
County tax refunded to individuals on lands redeemed and sold.	58 38	
Paid interest on Arkansas Treasury Warrants, .	414 16	
Paid to redeem Arkansas Treasury Warrants, .	18,109 51	148,153 03 3-4
Balance 1st October, 1852, .		$47,287 03 5-6
Of which amount there is due:		
To 500,000 acre land Fund, . . .	$19,616 17	
To the Seminary Fund, ...	9,631 59	
To school commissioners of Phillips, Lawrence and Yell counties, under section 35 of school law, .	62 71	
To counties on account of specie paid for county tax for the redemption and purchase of forfeited lands, ...	593 57	
To the Monument Fund, ...	45 00	29,949 04
Balance which should have been in the Treasury 1st October, 1852, . . .		$17,337 98 5-6
Deduct Arkansas Bank paper, paid by William Adams, late Treasurer, upon this account, in lieu of specie, (See statement No. 2.) . . .	245 11	
Deduct Treasury Warrants, paid by William Adams, late Treasurer, upon this account, in lieu of specie. (See statement No. 3.)	400 65	645 76
Balance specie in the Treasury, 1st October, 1852, applicable to the redemption of Treasury Warrants, ...		$16,692 22 5-6

No. 2.

A STATEMENT, showing the amount of Arkansas Bank Paper which was in the Treasuary, 1st October, 1850; the amount paid in during the two years ending with the 30th September, 1852; the amount paid out during the same period; and the balance in the Treasury, 1st October, 1852.

		Total amount of Arkansas Bank paper.
Arkansas Bank paper in the State Treasury, 1st October, 1850, .		$2,000 79
Arkansas Bank paper paid into the State Treasury by William E. Woodruff, upon a judgment against him as late Treasurer, .		3,755 00
Arkansas Bank paper paid into the State Treasury by William Adams, late Treasurer, on account of the Internal Improvement Fund, ...		504 10
Add amount of Arkansas Bank paper paid into the State Treasury by William Adams, late Treasurer, to the credit of the General Revenue account, ...		245 11
		$6,505 00
The following amounts have been paid out, as reported to the Auditor, viz:		
Amount paid to Richard C. Byrd, Bank Examiner, upon Auditor's Warrant, No. 888, . .	$350 00	
Amount paid Pulaski county, on account of Escheats upon Auditor's Warrant, No. 144, . .	33 54	383 54
Balance Arkansas Bank paper in the Treasury, on 1st October, 1850,		$6.121 46

No. 4.

A STATEMENT, showing the amount of county Scrip paid into the State Treasury, on account of lands redeemed and sold, during the two years ending with the 30th September, 1852; the amount paid out during the same period; and the balance in the Treasury, 1st October, 1852.

		County Scrip.
Total amount of county Scrip, reported to the Auditor as received during the two years ending with the 30th September, 1852, .		$459 93
Of which the following amounts have been reported to the Auditor as paid out, viz.		
Paid out on drafts of county Treasurers, county Tax which had been paid into the State Treasury in county Scrip, ...	$144 54	
County Tax refunded to individuals, . .	14 00	158 54
Balance county Scrip in the Treasury, 1st October, 1852, . .		$301 39

No. 3.

A STATEMENT, showing the amount of Treasury Warrants issued during the two years ending with the 30th September, 1846; the amount redeemed during the same time; the amount unredeemed, 1st October, 1846; the amount issued during the two years ending with the 30th September, 1848; the amount redeemed during the same time, and the the amount unredeemed, 1st October, 1848; the amount issued during the two years ending with 30th September, 1850; the amount redeemed during the same period; and the amount unredeemed, 1st October, 1850; the amount issued during the two years ending the 30th September, 1852; the amount redeemed during the same period; and the amount unredeemed 1st October, 1852.

		Arkansas Treasury Warrants issued.
Total amount of Treasury Warrants reported to the Auditor, as issued during the two years ending with the 30th September, 1846, as stated in Part 3, in Table "C," in Auditor's Report of 1st October, 1846, ...		$69,333 46
Deduct the amount reported then as redeemed and in the Treasury, ...		31,552 20
Leaving unredeemed, 1st October, 1846, . .		$37,781 26
Total amount of Treasury Warrants reported to the Auditor as issued during the two years ending with 30th September, 1848,		107,069 47 2-3
		$144,850 73 2-3
Deduct amount reported then as redeemed, and in the Treasury, .		115,018 25 1-6
Leaving unredeemed, 1st October, 1848, ...		$29,832 48 1-2
Total amount of Treasury Warrants, reported to the Auditor as issued during the two years ending with the 30th September, 1850,		119,894 71
.		$149,727 19 1-2
Deduct amount reported then redeemed and in the Treasury, .		132,864 89
Leaving unredeemed, 1st October, 1850, . .		$16,862 30 1-2
Total amount of Treasury Warrants, reported to the Auditor as issued during the two years ending with the 30th September 1852,		152,494 18
Aggregate of amounts unredeemed 1st October, 1846, 1848 and 1850, and amounts since issued, ...		$169,356 48 1-2
Of which the following amounts have been reported to the Auditor as redeemed:		
Paid for State Tax by Collectors, . . .	$89,782 45	
State Tax paid for the redemption and purchase of forfeited lands, ...	2,631 09	
Redeemed with specie during the two years ending with the 30th September, 1852, . . .	18,109 51	
Add amount paid into the State Treasury, by William Adams, late Treasurer, to the credit of the General Revenue Account, ...	400 65	110,923 70
Leaving outstanding, 1st October, 1852, .		$58,432 78 1-2

(D.)

A STATEMENT, showing the amount of Funds to the Credit of the State, in the Bank of the State of Arkansas, at Little Rock, on the 1st October, 1852.

	Surplus Revenue Fund.	Five per cent. Fund for Internal Improvement.	Seminary Fund.	Saline Fund for Internal Improvement.	Bank to reimburse to State Treasury, under section 1, of appropriation act of 10th Jannary, 1845.	TOTAL.
Balance of each Fund to the Credit of the State, in the State Bank, 1st October, 1852,	$9,163 76	$58,727 44	$2,188 41	$151 37	$4,495 00	$74,725 98

(E.)

A STATEMENT, showing the amount of County Tax remaining due from the State Treasury, on the 1st October, 1852, to the following named counties on account of forfeited lands redeemed and sold.

	NAMES OF COUNTIES.	Amount due each county.
1	Arkansas,	$124 87
2	Ashley,	18 11
3	Clark,	20 50
4	Crittenden,	90 54
5	Conway,	12 40
6	Desha,	47 45
7	Drew,	39 43
8	Franklin.	9 15
9	Hempstead,	61 05
10	Hot Spring,	2 70
11	Independence,	8 42
12	Jefferson,	6 32
13	Jackson.	48 58
14	Johnson,	1 34
15	Lawrence,	9 38
16	Lafayette.	63 21
17	Monroe,	49 20
18	Mississippi,	19 89
19	Marion,	1 35
20	Phillips,	38 97
21	Perry,	3 52
22	Poinsett,	49 08
23	Pulaski,	39 34
24	Prairie,	24 32
25	Randolph,	4 42
26	St. Francis,	84 66
27	Sevier,	17 42
28	Washington,	17 11
29	White,	44 04
	Total	$953 77

The total amount above stated is composed of $549 79 in Specie, $301 39 in County Scrip, and $102 59 in Arkansas Bank paper, remaining due from the State.

(F.)

A STATEMENT, showing the amount of County Tax remaining in the State Treasury, on the 1st October, 1852, and belonging to each of the following named counties, on account of County Taxes paid into the State Treasury, by non-residents, under act of 8th January, 1845.

	NAMES OF COUNTIES.	Amount due each county.
1	Jackson,	$5 63
2	Pike,	9 10
3	Randolph,	4 50
4	Sevier,	1 80
5	White,	22 75
	Total in specie,	$43 78

(G.)

A STATEMENT, exhibiting each species of property taxed in the several counties, in this State, for the year 1851, and the separate valuation of each, where practicable to obtain the same from the Tax Books; the aggregate value of taxable property in each county; and the gross amount of taxes, in dollars and cents, (rejecting smaller fractions), charged to Sheriffs, upon returns made to this office, by the Clerks of the several counties. Where the amount of taxes in any county exceeds one-fifth of one per cent. on the value of the property the difference must be attributed to arrearages of taxes for other years, and amounts received from Pedlars and from keepers of billiard tables and ten-pin alleys, as stated; and where taxes do not amount to one-fifth of one per cent., the slight variations must be attributed to the difference between the additions of tax lists, by the Auditor, and by the Clerks.

COUNTIES.	No. of persons liable to pay a poll tax.	Number of acres of land taxed.	One hundredths of an acre.	Value of lands and improvements taxed.	Number of Town Lots taxed.	Value of town Lots and Improvements, taxed.	Number of slaves over 5, and under 60 years of age, taxed.	Value of slaves over 5, and under 60 years of age, taxed.	Number of saw mills taxed.	Value of saw mills taxed.	No. of tan-yards taxed.	Value of tan-yards taxed.	Number of distilleries taxed.	Value of distilleries taxed.	Household furniture over two hundred dollars taxed.	No. of pleasure carriages taxed.	Value of pleasure carriages taxed.	No. of horses and mares over two years, old, taxed.	Value of Horses and mares over two years old, taxed.	No. of mules over two years old taxed.	Value of mules over two years old, taxed.	No. of jacks and jennies over two years old, taxed.	Value of jacks and jennies over two years old taxed.	No. of neat cattle over two years old, taxed.	Value of neat cattle over two years old, taxed.	Value of all goods, wares, and merchandise of merchants, commission merchants, tipplers, grocers, hucksters and traders, taxed.	Money loaned at interest, beyond amount on which interest is paid.	Capital in steam boats, ferries and toll bridges, taxed.	Value of gold watches and jewelry of every kind, taxed.	Capital in manufactories.	Amount collected from pedlars of merchandise, for licenses.	Amount collected from keepers of billiard tables for licenses.	Total value of taxable property.	Amount State Tax.	
Arkansas,	329	129.453	49	$507.425	97	$9.205	1,205	$532.850	2	$3 800		$		$	$1.900	8	$1,570	302	$26,009	323	$15.525	8	$180	3.901	$22,094	$9.450	$5.060	$	$1.050	$	$	$	$1,136,118	$2,272 42	1
Ashley,	349	37.083	82	154.993	59	4.881	652	316.640	2	2.400					250	8	580	444	25.532	170	9,773			1,797	14.357	11,771	4,059	145	811	75			546,267	1,169 93	2
Benton,	551	42.062	50	137.046	116	10.985	115	42.650	3	1.500	3	1.300	3	200				1.100	42.405	70	4.025	15	2,120	2,833	23.977	30,347	1.920			6,700			305,175	610 35	3
Bradley,	565	60.863	00	187.628	91	5,242	1.022	477.356	4	1,600	1	500			1.400	12	1.220	732	38,326	147	9,054	2	300	2.386	20.485	39,939	14.698	1.000	1,671				800.219	1,649 18	4
Carroll,	713	23.034	12	116.661	95	3.860	137	55.100	3	850	3	210	3	410	100	1	50	1.487	52.103	17	865	12	1.280	3.804	27,766	16.096	3,140		51		25		277.942	563 39	5
Chicot,	246	191.623	67	1.026.179	53	8.715	3,025	1.512.595	1	1.500					1,700	1	350	867	34.935	918	50.475	11	675	3.568	18.874	41.000	8.495	1,000	4.700				2,711,193	5.422 05	6
Clark,	738	126.228	19	411.176	583	42,839	713	325 226	6	3,300	1	500				7	460	984	45,555	148	8,365	8	670	3.502	28,923	30.750	991		1.507				960.262	1.819 93	7
Conway,	644	88.709	96	283.006	127	8.603	183	77.060	3	3.200	1	50	2	130	400	2	250	1.037	40,775	74	2,815	7	1,150	4.320	30 619	32.100	2,177	425	355				483.515	1.335 36	8
Crittenden,	249	222.678	00	1,025.173	23	1.945	485	218.205	1	5 000								483	18 801	107	5.275	8	460	2.169	16,446	690			761		25		1,292,782	2,608 08	9
Crawford,	669	67.482	00	265.253	831	113,796	406	162.731	3	450	1	100	2	113	1,800	16	1.595	1,373	53.090	75	3.650	15	1,922	3.651	26.674	347.333	6.725	1,000	1.925				988.157	1,976 31	10
Calhoun,	424	27.010	00	115.590			336	145.835	2	600	1	200	1	300		2	230	452	23.086	77	4.860	2	70	1.391	12.821	15,943	12.092		155				331,782	666 91	11
Dallas,	652	107.031	94	401.572	84	15.628	1.817	530.030	5	1,250	2	175			1,550	31	5,574	831	37.452	364	21.089	6	1.270	2.454	20.142	89.781	12 322		3.080				1,311.515	2,683 04	12
Desha,	474	119.642	50	546.347	553	38,275	965	417.250	3	900					700	1	30	505	21,135	206	11.030	2	400	2.618	18,215	33.460	790		2.180			25	1,090.712	2,100 77	13
Drew	487	157.497	13	648.995	52	4,664	762	407.100	2	1,000	1	200			1,100	11	820	675	35.797	171	11.875	5	850	2.633	23.064	6.863	985	300	1,275	400			1,145.288	2.319 66	14
Franklin,	631	52.928	00	196.421	226	15.420	343	144.650	6	1,000	3	570	1	130		6	365	1,178	43.789	96	4,700	13	1.205	3.542	26.557	53.199	6.336	783	1.500				496.625	1,007 49	15
Fulton,	288	11.611	00	46.471	55	1.552	46	18.421					2	90				595	18,464	9	365	12	1,575	1.464	11,451	6,231	273		75				104.968	299 88	16
Greene;	442	7 074	00	30.933	59	3 591	37	15.350	1	150			2	80	200	1	75	651	24.995	15	835	8	1,206	2.150	16.732	1.822	1.327		182				97.478	195 06	17
Hempstead,	1.026	209 412	00	1,250.251	1,106	93,357	1.793	824.021	6	5100	6	1 350			4.270	35	4.415	2.038	95.680	208	17.494	6	1,825	5.398	40.213	27.986	7.955	680	5.255	15,779			2.396.414	4,898 88	18
Hot Spring,	567	38.499	77	159 816			271	125 520	2	250	4	1.225			2.000	3	250	891	33.455	54	2.595	5	350	2.182	20.197	7.771	1.321	45	400				355.195	872 63	19
Independence,	1,189	122.993	55	421.571	500	94.353	553	193.675	4	1.525	4	2.500	1	65	1,500	7	610	1.798	54.140	102	4.492	23	1,495	4.484	33,600	58.150	4.497	1,075	1.075	17			874.340	1,716 67	20
Izard,	498	13.431	00	62 680	19	3.552	134	50,850	5	6.000	2	130			100	2	80	838	27.603	30	1,375	7	1,250	2.499	19.928	13.764	1.069		25		25		188.406	376 76	21
Jackson,	593	111.568	23	420.044	145	39.900	519	267.205	1	1.000	3	2.500				9	910	923	36.327	98	5.485	6	525	2.992	23.388	46.288	650	40	1,316	60			816.128	1,725 90	22
Jefferson,	670	135 335	93	650.332	202	57.845	1,947	825.285	5	9.860	1	200			790	7	510	1,218	45.986	426	21,725	9	1.125	4.098	29.823	121.278	7.170	200	3.718		50		1,775,807	3.594 08	23
Johnson,	762	83.057	64	368.235	170	38.790	499	221.225	7	7,500	2	4,800	4	200	500	7	555	1.291	50.513	162	5.525	11	1,620	3.657	29.465	61,983	9.585		854	1,050			742.180	1,634 75	24
Lafayette,	451	188.601	80	642 283	36	16.240	2.474	1.696.965	1	200					1,800	14	1.860	803	38.923	737	42.210	3	225	3,418	22.744	21.871	4.990		2.070				1,892,381	4,204 15	25
Lawrence,	931	66.700	00	221.981	248	14.147	292	116 082	4	2,300	3	350	2	130		3	220	1.784	60,399	58	2.870	17	2.265	4.380	34,518	15.562	7.982		627				480.033	1,033 21	26
Madison,	727	25.724	55	114.123	73	14.495	118	43.975	3	350	6	605	4	255		5	305	1.396	48.324	6	290	5	705	3.640	25.241	19.156	2,825		160				270.809	539 51	27
Marion,	311	11.058	00	57.598	37	2.863	82	35,685	3	1,600			1	20				758	26.023	15	820	11	1.075	1,903	15,144	16.569	160						157,557	317 66	28
Mississippi,	219	56.341	00	227.847	1	100	535	213.410								1	100	391	16,552	144	7.405	2	300	1,711	11.038	8.027	1.170		1,185				487,134	977 13	29
Monroe,	566	110.514	90	487.604	49	1,565	113	192.100								11	925	461	19.697	96	4.590	11	650	1.353	10.683	20.010	1.632		830				740.286	1,647 47	30
Montgomery,	372	6.086	00	48 893	47	2.616	52	26,150	4	1.200	1	180	2	300				581	25,876	10	595	2	550	2,270	21,245	1,145	700	25	125				129.600	259 23	31
Newton,	288	1 025	00	20.172	7	650	25	8.580	1	700			3	225	60	1	125	525	18.384	56	2.440	5	350	1.430	10,118	1.768	51		198				63.821	127 64	32
Ouachita,	1,048	102 391	39	444.981	297	120.005	2,399	1,123.805	11	9.075	4	2,200			4.205	40	4,440	1.362	75.500	492	31,572	6	705	4.292	38.501	358.910	13.509	850	7,465				2,235.723	4,487 87	33
Perry,	146	14 625	15	49.944	51	1.343	12	4.300	2	3.000								266	10,330	10	510			1.309	8.416	1,039			60				78.942	228 80	34
Phillips,	815	305.060	26	1,265.779	713	100.060	1,974	1,006,050	5	6.100	1	1.200			3,700	21	3.420	1,152	53,294	622	37.594	13	1,650	4.637	32,715	223,180	2,000		6,290				2,642.972	5,656 36	35
Pike,	315	11.819	00	55.501	16	1.511	79	30.550	1	500						2	130	492	20.362	25	1.180			1,398	11.128	10.041	720						131,623	274 98	36
Poinsett,	381	45.162	00	149.501	25	1,370	156	76,150			1	900	4	425		1	100	573	23.813	39	1,955	9	820	1.975	15,579	5,525	1,515	400	74				278,130	660 65	37
Polk,	218	2.714	00	9 022	51	974	44	14.480	4	1,050								344	13,815	17	915	1	100	1,292	9.484	2,007		180					52.027	104 28	38
Pope,	735	35.815	28	153.561	129	14.747	318	133.960	13	14,200	3	750				9	385	1,118	45.682	68	3,135	9	1,460	3.838	29.882	61.921	2,911	100	300				462 994	927 38	39
Prairie,	467	97.126	48	322.819	84	3 141	313	135.880								7	625	597	23.424	59	3 470	1	100	1.751	13.644	12,545	1,129		445				517.222	1,196 95	40
Pulaski,	872	188.157	13	712.706	3,530	569.170	876	375 540	2	1,500	1	400			18,860	51	6.840	1,211	44.650	175	9,145	8	555	4.161	26.912	308.875	11,162	250	9,788	1,400			2,097,743	4,574 56	41
Randolph,	512	46.512	00	148.931	74	5.400	187	74.675			1	500	4	260				997	30 366	25	970	20	1.740	2,726	18.885	15 695	5.027		511				302.960	651 56	42
Saline,	613	82 294	98	259.539	236	10.650	351	159.490	3	950	3	1,100			200	5	455	863	36.442	70	3,485	6	825	2.647	19,750	1.300	10,611	50	65	100			505.012	1,072 22	43
Scott,	458	10.790	99	45.123	13	3.267	104	42.115	3	2,800	3	400			100	1	40	855	34,832	37	1, 641	8	1,160	2,549	21,926	41,405	1.195	20	167				196.491	392 95	44
Searcy,	374	1.098	83	23.693	12	576	21	7.937								1	25	573	24,429	4	230	6	800	1.750	14.431	3,285	306						75,712	152 32	45
Sevier,	491	73 434	75	282,276	76	3.020	953	460.975	2	600	4	1,600			200	2	175	1,010	45,464	186	11,080	2	300	3.508	22,414	41,285	6.155	410	645				876.599	1,753 20	46
St. Francis,	708	147.276	57	527.316	44	3.570	601	294.998	1	1.000	2	700			100	12	1.300	1,048	49,489	130	7,190	13	1.390	3.276	27.275	44.000	1,265	2,505	1,280				963.408	2,518 17	47
Sebastian,	633	62.144	00	270 337	577	204.285	216	92.312	3	3.100	2	1,200			2,750	18	1,815	1,089	43.581	82	4.015	35	2,323	2,958	28.254	379,181	34,731	670	3.720	100			1,072,374	2,144 75	48
Union,	1,505	197,955	00	626.969	127	49,885	2,740	1,810.854	11	6,750	1	25			1,450	29	3.435	684	102,282	860	55,838	3	250	5,737	46.318	131,074	14,334	2,622	7,506		50		2,859,592	5,719 16	49
Van Buren,	489	11.067	53	48,659	21	1.060	81	28.650	2	300	1	175	5	455		2	120	748	28,220	39	1,920	8	1.150	2.254	17,970	1,246	1.117		16				131.058	262 51	50
Washington,	1.161	156 204	00	515.275	156	37.538	793	311.990	7	2.140	7	1,780	4	210		12	1,330	2.889	104.924	220	10.702	32	3,130	7.214	49.220	111,152	17,370		1,750	2,000			1,170,511	2.345 66	51
White,	555	69.722	53	229.775	428	12.066	226	101.375	4	3,500	1	50				3	250	543	22,705	44	2,015	1	300	1,687	15.702	14,885	522	25	275				403.415	1,108 16	52
Yell,	557	40.714	51	161,084	143	12,295	318	127,600	6	6,650	4	500				2	425	960	41,516	54	3,205	16	1,970	3,221	26,216	50,690	2,432		305				434,888	869 73	53
	31.352	4.397.849	10	$17.496.826	12.592	$1,824.947	34,687	$16.253,453	173	$129,840	88	$3 [illegible]	50	$3.998	53.665	430	49.344	48,960	$2,055,854	8,467	$477.254	454	$50,370	160,276	$1.201.684	$2,927,344	$261,158	14,800	$80,371	$27,681	$175	$25	$42,939,515	$89,637 70	

(H.)

A STATEMENT, exhibiting each species of property taxed in the several counties, in this State, for the year 1852, and the separate valuation of each, where practicable to obtain the same from the Tax Books; the aggregate value of taxable property in each county; and the gross amount of taxes, in dollars and cents, (rejecting smaller fractions), charged to Sheriffs, upon returns made to this office, by the Clerks of the several counties, except for the counties of Crawford, Independence, Randolph, Searcy and White, from which no returns have been received for the year 1852.

COUNTIES.	No. of persons liable to pay a poll tax.	Number of acres of land taxed.	One hundredths of an acre.	Value of lands and improvements taxed.	Number of Town Lots taxed.	Value of town Lots and Improvements, taxed.	Number of slaves over 5, and under 60 years of age, taxed.	Value of slaves over 5, and under 60 years of age, taxed.	Number of saw mills taxed.	Value of saw mills taxed.	No. of tan-yards taxed.	Value of tan-yards taxed.	Number of distilleries taxed.	Value of distilleries taxed.	Household furniture over two hundred dollars taxed.	No. of pleasure carriages taxed.	Value of pleasure carriages taxed.	No. of horses and mares over two years old, taxed.
1 Arkansas,	371	126,122	80	$520,084	95	$7,655	1,274	$580,600	2	$3,800		$		$	$2,085	13	$2,405	712
2 Ashley,	331	42,336	66	167,331	63	6,613	766	338,500	2	3,300					200	8	611	419
3 Benton,	650	67,192	00	185,832	141	14,622	121	51,325	4	2,300	3	900	2	175		2	210	1,215
4 Bradley,	578	71,253	00	216,868	76	4,077	995	461,575	5	4,200	2	450				11	925	722
5 Carroll,	850	36,133	00	156,902	89	5,293	141	63,025	3	950	4	230	8	810		2	120	1,757
6 Chicot,	317	183,134	00	1,242,871	55	11,050	3,284	1,627,600	3	4,050					2,560	9	730	857
7 Clark,	814	141,365	00	440,341	584	49,612	812	347,025	4	3,000						9	695	932
8 Conway,	625	73,291	00	269,829	83	6,893	195	86,675	3	3,000	2	150	2	130	200	1	150	1,025
9 Crittenden,	260	224,513	00	971,731	124	6,140	589	268,340										587
10 Crawford,																		
11 Calhoun,	350	43,373	00	130,731	19	1,608	380	161,075	2	500	1	50				4	305	366
12 Dallas,	559	109,032	00	394,339	92	16,555	1,779	721,962	5	5,600	1	100			1,250	29	4,935	708
13 Desha,	345	135,291	00	566,007	489	35,025	979	452,870	2	900					200	1	30	542
14 Drew,	474	127,935	00	410,547	64	9,293	855	425,205	3	1,300	1	400			600	9	620	618
15 Franklin,	620	49,131	00	195,355	252	14,970	356	140,205	7	1,150	3	590	2	110		10	860	1,104
16 Fulton,	360	11,627	00	56,853	64	2,705	47	19,700	1	400								628
17 Green,	576	12,928	00	60,260	64	1,465	33	19,000	1	100	1	250	2	190		1	100	794
18 Hempstead,	961	219,819	00	799,291	1,101	75,937	1,928	880,640	9	5,550	7	900			5,940	30	4,155	1,882
19 Hot Spring,	568	41,005	00	189,773			289	122,800	3	1,200	3	1,215			1,500	5	350	811
20 Independence,																		
21 Izard,	531	16,334	00	70,914	39	1,557	161	68,775	9	9,150	1	75						916
22 Jackson,	816	129,616	00	600,575	158	48,150	737	367,376	2	2,500	2	1,600				18	2,525	969
23 Jefferson,	731	140,131	00	716,515	227	70,945	2,150	888,260	6	11,100					2,000	12	1,595	1,009
24 Johnson,	648	81,558	00	314,978	460	46,517	587	253,755	11	10,800	2	2,500	2	120	865	10	1,000	1,248
25 Lafayette,	538	208,931	00	735,381	47	4,280	2,655	1,109,980	1	250					1,450	28	3,490	844
26 Lawrence,	1146	74,221	00	252,375	231	12,380	227	128,895	13	5,950	5	900	9	690	225	5	300	1,890
27 Madison,	794	16,518	00	127,997	78	14,735	138	54,300	4	450	6	530	6	385		5	410	1,473
28 Marion,	470	15,355	00	74,189	38	4,461	92	39,285	4	2,100			4	355				906
29 Mississippi,	256	52,947	30	281,811			222	216,530	1	400								353
30 Monroe,	368	130,204	00	492,223	51	4,010	461	223,565	1	1,400					150	15	1,113	431
31 Montgomery,	389	9,512	00	61,778	50	2,505	43	23,600	4	1,000	1	180	1	125				547
32 Newton,	311	5,378	00	27,808	17	795	21	9,250	1	600			1	50		1	50	531
33 Ouachita,	1,010	115,879	00	480,831	298	118,940	2,327	1,085,410	9	6,125	3	1,650			4,425	38	5,360	1,197
34 Perry,	186	16,351	00	56,262	53	1,575	13	4,900	2	1,800								270
35 Phillips,	722	295,000	00	1,295,377	897	113,039	2,330	1,110,100	4	7,030	1	200			3,125	39	6,350	1,157
36 Pike,	302	15,918	00	64,331	22	1,823	84	33,950	1	500	2	100				5	248	469
37 Poinsett,	413	49,120	00	171,625	24	1,810	206	97,125								1	100	626
38 Polk,	225	3,513	00	14,876	51	1,155	41	14,900	4	1,050								321
39 Pope,	719	41,994	00	171,212	115	13,260	334	138,645	13	14,600	1	400				10	680	1,104
40 Prairie,	482	133,002	00	423,564	162	9,907	497	212,355							1,000	15	1,125	664
41 Pulaski,	955	194,433	00	791,682	3,878	607,552	924	428,970	4	7,500	3	1,850			21,429	61	9,835	1,312
42 Randolph,																		
43 Saline,	675	86,351	00	285,897	185	10,220	408	189,825	4	950	1	50				7	655	889
44 Scott,	397	11,973	00	44,702	25	4,222	90	39,265	3	2,300	2	200			100			758
45 Searcy,																		
46 Sevier,	473	75,803	00	273,688	84	3,321	1,056	488,870	3	1,100	7	1,003			25	6	970	996
47 St. Francis,	682	136,074	00	598,507	85	4,505	635	311,905	2	2,300	2	375			850	13	1,500	1,000
48 Sebastian,	700	71,071	00	329,482	174	221,524	289	117,637	3	3,100	1	600			3,400	14	2,900	1,172
49 Union,	1,295	195,315	00	611,980	148	56,261	3,681	1,770,969	11	3,985	1	50	1	600	1,100	27	3,190	621
50 Van Buren,	439	14,221	00	52,176	21	2,495	86	34,550	1	103	2	300	1	130		1	60	696
51 Washington,	1,279	52,454	00	531,008	172	53,095	776	316,771	7	2,300	7	1,905	1	75		16	1,925	3,017
52 White,																		
53 Yell,	611	59,192	00	197,791	283	30,730	383	161,515	9	5,066	4	500				7	715	998
	28,238	4,108,272	76	$17,129,513	11,828	$1,735,512	36,482	$16,712,357	198	$147,006	82	$20,203	42	$3,945	54,679	498	63,237	44,076

COUNTIES.	Value of Horses and mares over two years old, taxed.	No. of mules over two years old taxed.	Value of mules over two years old, taxed.	No. of jacks and jennies taxed.	Value of jacks and jennies taxed.	No. of neat cattle over two years old, taxed.	Value of neat cattle over two years old, taxed.	Value of all goods, wares, and merchandise of merchants, commission merchants, tipplers, grocers, hucksters and traders, taxed.	Money loaned at interest, beyond amount on which interest is paid.	Capital in steam boats, ferries and toll bridges, taxed.	Value of gold watches and jewelry of every kind, taxed.	Capital in manufactories.	Amount collected from pedlars of merchandise, for licenses.	Amount collected from keepers of billiard tables for licenses.	Total value of taxable property.	Amount State Tax.	
1 Arkansas,	$30,860	361	$21,232	15	$825	4,981	$28,563	$14,125	$3,120	$	$2,265	$	$	$	$1,217,619	$2,648 03	1
2 Ashley,	24,557	171	11,345	1	150	1,676	13,028	5,472	2,486	50	1,268				574,941	1,152 08	2
3 Benton,	52,698	144	7,001	16	2,705	3,036	30,395	25,750	4,660	160	6,600				385,333	770 69	3
4 Bradley,	37,318	152	9,151	2	300	2,732	22,461	760	9,108	900	1,430				779,523	1,558 96	4
5 Carroll,	65,136	77	3,735	18	1,930	4,122	37,036	12,206	5,486		125				352,986	715 06	5
6 Chicot,	42,819	974	59,002	14	800	3,693	24,743	37,350	18,831		6,630				3,079,036	6,159 81	6
7 Clark,	42,254	172	9,510	4	520	3,073	26,239	9,000	2,684		860				931,740	1,877 78	7
8 Conway,	42,091	91	4,865	7	1,100	4,197	30,379	5,945	1,454	425	330				453,616	1,821 53	8
9 Crittenden,	17,344	135	8,190	3	1,285	2,023	18,352	2,000	520		1,090				1,291,992	2,589 32	9
10 Crawford,																	10
11 Calhoun,	18,762	83	4,965	1	20	1,226	11,620	12,078	10,656		340				352,710	703 33	11
12 Dallas,	33,364	358	20,684	2	700	2,406	19,119	1,480	14,327		3,065				1,237,480	2,474 96	12
13 Desha,	23,276	255	13,620			2,585	16,837	22,180	1,990		2,630				1,135,565	2,269 78	13
14 Drew,	33,402	198	13,765	4	300	2,619	24,300	9,180	2,212	300	1,100				932,524	1,865 05	14
15 Franklin,	41,605	124	6,070	11	1,515	3,262	25,733	1,721	6,433	150	1,783				438,220	875 78	15
16 Fulton,	24,204	25	1,915	6	740	1,748	16,242	2,704	6,341						131,804	309 58	16
17 Green,	32,092	32	2,185	7	890	2,178	19,833	2,051	1,990		255				140,661	281 32	17
18 Hempstead,	88,676	374	21,530	5	660	4,772	34,197	2,480	6,489	200	5,882				1,932,527	4,115 93	18
19 Hot Spring,	34,966	85	4,900	5	990	2,130	20,979	8,550	4,820		650				392,693	902 32	19
20 Independence,																	20
21 Izard,	32,697	50	2,655	15	2,635	2,697	23,553	3,366	1,151				25		216,758	459 37	21
22 Jackson,	44,104	170	9,860	10	1,445	3,188	28,104	46,265	2,720		1,575				1,156,799	2,314 42	22
23 Jefferson,	46,827	418	24,285	10	1,065	5,052	30,330	149,915	8,024		3,652				1,954,513	3,947 76	23
24 Johnson,	50,830	135	6,940	14	2,460	3,705	30,718	2,072	10,761		1,215				735,531	1,471 06	24
25 Lafayette,	41,447	909	42,172	4	425	3,669	24,931	10,617	7,756		2,142	275			1,984,596	5,441 34	25
26 Lawrence,	74,627	75	3,600	37	3,680	4,645	43,512	18,957	10,433	10	633	350			557,517	1,338 91	26
27 Madison,	60,625	64	3,790	6	1,120	3,787	29,138		4,209		140				297,829	595 58	27
28 Marion,	34,722	27	1,520	13	1,490	2,295	20,797	3,797	2,307		24				185,047	369 57	28
29 Mississippi,	15,823	157	9,125	4	575	1,807	13,384	9,906	422		1,155				549,131	1,098 06	29
30 Monroe,	19,970	108	6,128	10	460	1,460	11,887	11,178	4,086		1,470				777,610	1,878 68	30
31 Montgomery,	24,748	19	175	1	200	2,295	20,227	440	1,488		140				136,606	275 21	31
32 Newton,	21,303	10	490	7	600	1,475	12,602	2,950	215						76,713	153 38	32
33 Ouachita,	65,008	519	34,971	7	1,730	3,901	36,174	121,654	16,484	1,450	6,260				1,986,472	4,061 11	33
34 Perry,	10,625	14	825	9	1,010	1,223	8,613	1,585			100				87,295	187 21	34
35 Phillips,	53,355	577	44,417	16	2,520	4,112	29,921		500	205	6,172				2,672,311	5,508 04	35
36 Pike,	20,575	25	1,365	1	100	1,375	10,690	694	921		15				135,312	285 83	36
37 Poinsett,	27,200	32	1,595	8	1,025	1,928	16,274	6,231	175	600	72				323,832	1,242 24	37
38 Polk,	13,370	16	955	3	700	1,076	8,810	.112	345						56,273	112 32	38
39 Pope,	46,814	110	5,354	7	1,340	3,504	28,956	13,365	2,257		175	6,500			443,758	887 51	39
40 Prairie,	27,224	97	5,560	3	400	1,856	16,246	9,984	2,081	100	675				710,221	1,836 92	40
41 Pulaski,	51,534	175	10,082	9	850	4,228	30,944	350	12,169	3,600	11,362	2,850			1,992,559	5,112 10	41
42 Randolph,																	42
43 Saline,	39,461	166	6,580	8	575	2,959	26,296	2,904	8,635	25	375				572,148	1,145 07	43
44 Scott,	32,801	31	1,489	11	1,970	2,430	22,165	2,314	1,127		205				152,860	305 72	44
45 Searcy,																	45
46 Sevier,	45,940	235	15,911	11	2,060	3,854	23,750	11,350	6,147	658	1,225				876,348	1,752 69	46
47 St. Francis,	50,692	151	9,495	13	1,150	3,078	26,487	51,725	3,790	8,300	2,235				1,073,816	2,951 47	47
48 Sebastian,	51,513	109	5,895	80	3,860	2,890	31,672	261,564	23,482	289	4,010	1,785			1,062,724	2,127 15	48
49 Union,	95,162	839	59,575	6	545	5,300	42,716	22,600	19,658	2,000	6,133				2,696,521	5,395 76	49
50 Van Buren,	26,623	51	2,420	12	2,178	2,087	17,416	1,632	1,113		89				141,582	313 72	50
51 Washington,	122,453	282	14,419	22	1,850	6,390	52,308	6,965	25,168	50	1,395	2,075			1,136,761	2,273 84	51
52 White,																	52
53 Yell,	41,723	88	5,015	13	1,550	3,084	27,849	15,146	2,900		591				496,797	993 57	53
	$1,978,250	9,41[illegible]	$560,360	491	$57,028	114,40[illegible]	$1,166,526	$961,670	$284,431	19,463	$89,511	$13,835		$25	$11,009,556	$88,996 12	

(H.)

A STATEMENT, exhibiting each species of property taxed in the several counties, in this State, for the year 1852, and the separate valuation of each, where practicable to obtain the same from the Tax Books; the aggregate value of taxable property in each county; and the gross amount of taxes, in dollars and cents, (rejecting smaller fractions), charged to Sheriffs, upon returns made to this office, by the Clerks of the several counties, except for the counties of Crawford, Independence, Randolph, Searcy and White, from which no returns have been received for the year 1852.

COUNTIES.	No. of persons liable to pay a poll tax.	Number of acres of land taxed.	One hundredths of an acre.	Value of lands and improvements taxed.	Number of Town Lots taxed.	Value of town Lots and Improvements, taxed.	Number of slaves over 5, and under 60 years of age, taxed.	Value of slaves over 5, and under 60 years of age, taxed.	Number of saw mills taxed.	Value of saw mills taxed.	No. of tan-yards taxed.	Value of tan-yards taxed.	Number of distilleries taxed	Value of distilleries taxed.	Household furniture over two hundred dollars taxed.	No. of pleasure carriages taxed.	Value of pleasure carriages taxed.	No. of horses and mares over two years old, taxed.	Value of Horses and mares over two years old, taxed.	No. of mules over two years old taxed.	Value of mules over two years old, taxed.	No. of jacks and jennies taxed.	Value of jacks and jennies taxed.	No. of neat cattle over two years old, taxed.	Value of neat cattle over two years old, taxed.	Value of all goods, wares, and merchandise of merchants, commission merchants, tipplers, grocers, hucksters and traders, taxed.	Money loaned at interest, beyond amount on which interest is paid.	Capital in steam boats, ferries and toll bridges, taxed.	Value of gold watches and jewelry of every kind, taxed.	Capital in manufactories.	Amount collected from pedlars of merchandise, for licenses.	Amount collected from keepers of billiard tables for licenses.	Total value of taxable property.	Amount State Tax.	
1 Arkansas,	371	126.422	80	$520.084	95	$7.655	1,274	$580.600	2	$3,800		$		$	$2.085	13	$2,405	712	$30,860	361	$21,232	15	$825	4.981	$28,563	$14,125	$3.120	$	$2,265	$	$	$	$1,217.619	$2.648 03	1
2 Ashley,	331	42 336	66	167,331	63	6,643	766	338 500	2	3,300					200	8	611	419	24.557	171	11,345	1	150	1,676	13,028	5,472	2,486	50	1.268				574,941	1,152 08	2
3 Benton,	650	67,192	00	185,832	141	14,622	121	51.325	4	2.300	3	900	2	175		2	210	1.215	52.698	144	7.001	16	2,705	3,036	30,395	25,750	4,660	160	6,600				385,333	770 69	3
4 Bradley,	578	71,253	00	216.868	76	4,077	995	461,575	5	4,200	2	450				11	925	722	37,318	152	9.151	2	300	2.732	22.461	760	9,108	900	1,430				779.523	1,558 96	4
5 Carroll,	850	36,133	00	156.902	89	5,293	141	63.025	3	950	4	230	8	810		2	120	1,757	65,136	77	3,735	18	1,930	4.122	37,036	12.206	5,486		125				352.986	715 06	5
6 Chicot,	317	183,134	00	1,242,871	55	11.050	3,284	1.627.600	3	4.050					2,560	9	730	857	42.819	974	59,002	14	800	3.693	24,743	37,350	18,531		6,630				3.079.036	6.159 81	6
7 Clark,	814	141,365	00	440,341	584	49,612	812	347.025	4	3,000						9	695	932	42,254	172	9.510	4	520	3.073	26,239	9,000	2,684		860				931,740	1.877 78	7
8 Conway,	625	73,291	00	269.829	83	6,893	195	86,675	3	3,000	2	150	2	130	200	1	150	1,025	42,091	91	4,865	7	1,100	4.197	30 379	5.945	1,454	425	330				453.616	1,821 53	8
9 Crittenden,	260	224,513	00	971,731	124	6,140	589	268,340										587	17,344	135	8,190	3	1,285	2,023	18,352	2,000	520		1,090				1,291,992	2,589 32	9
10 Crawford,																																			10
11 Calhoun,	350	43,373	00	130.731	19	1,608	380	161,075	2	500	1	50				4	305	366	18,762	83	4.965	1	20	1.226	11,620	12,078	10.656		340				352,710	703 33	11
12 Dallas,	559	109.032	00	394.339	92	16,555	1.779	721,962	5	5,600	1	100			1,250	29	4,935	708	33.364	358	20,684	2	700	2,406	19.119	1.480	14,327		3,065				1,237.480	2,474 96	12
13 Desha,	345	135.291	00	566,007	489	35,025	979	452.870	2	900					200	1	30	542	23,276	255	13,620			2,585	16,837	22,180	1,990		2.630				1,135,565	2 269 78	13
14 Drew,	474	127,935	00	410,547	64	9,293	855	425,205	3	1,300	1	400			600	9	620	618	33.402	198	13,765	4	300	2,619	24,300	9,180	2,212	300	1,100				932,524	1,865 05	14
15 Franklin,	620	49.131	00	195,355	252	14.970	356	140,205	7	1,150	3	590	2	110		10	800	1,104	41,605	124	6,070	11	1,515	3,262	25,733	1.721	6,433	150	1,783				438,220	875 78	15
16 Fulton,	360	11,627	00	56.853	64	2,705	47	19,700	1	400								628	24,204	25	1,915	6	740	1,748	16,242	2,704	6,341						131.804	309 58	16
17 Green;	576	12,928	00	60,260	64	1,465	33	19,000	1	100	1	250	2	190		1	100	794	32.092	32	2,185	7	890	2,178	19,833	2,051	1,990		255				140,661	281 32	17
18 Hempstead,	961	219.819	00	799,291	1,101	75,937	1,928	880,640	9	5.550	7	900			5,940	30	4,155	1,882	88,676	374	21,530	5	660	4,772	34,197	2,480	6,489	200	5,882				1,932,527	4,115 93	18
19 Hot Spring,	568	41,005	00	189,773			289	122,800	3	1,200	3	1,215			1,500	5	350	811	34,966	85	4,900	5	990	2,130	20,979	8,550	4,820		650				392,693	902 32	19
20 Independence,																																			20
21 Izard,	531	16.334	00	70,914	39	1,557	161	68,775	9	9,150	1	75						916	32,697	50	2,655	15	2,635	2,697	23,553	3,366	1,151				25		216,758	459 37	21
22 Jackson,	816	129,616	00	600,575	158	48,150	737	367.376	2	2,500	2	1,600				18	2,525	969	44,104	170	9,860	10	1,445	3,188	28.104	46,265	2,720		1,575				1,156,799	2,314 42	22
23 Jefferson,	731	140,131	00	716.515	227	70.945	2,150	888,260	6	11,100					2,000	12	1,595	1,009	46 827	418	24,285	10	1,065	5.052	30,330	149,915	8.024		3,652				1,954,513	3,947 76	23
24 Johnson,	648	84,558	00	314,978	460	46,517	587	253,755	11	10,800	2	2,500	2	120	865	10	1,000	1,248	50,830	135	6.940	14	2,460	3,705	30,718	2,072	10,761		1,215				735,531	1.471 06	24
25 Lafayette,	538	208,931	00	735 381	47	4.280	2,655	1.109,980	1	250					1,450	28	3,490	844	41,447	909	42,172	4	425	3,669	24,931	10,617	7,756		2,142	275			1,984,596	5,441 34	25
26 Lawrence,	1146	74,221	00	252,375	231	12.380	227	128.895	13	5,950	5	900	9	690	225	5	300	1,890	74,627	75	3,600	37	3,680	4,645	43,512	18,957	10,433	10	633	350			537,517	1,338 91	26
27 Madison,	794	16.518	00	127,997	78	14,735	138	54,300	4	450	6	530	6	385		5	410	1,473	60,625	64	3.790	6	1,120	3.787	29,138		4,209		140				297,829	595 58	27
28 Marion,	470	15,355	00	74,189	38	4,461	92	39,285	4	2,100			4	355				906	34,722	27	1,520	13	1.490	2,295	20.797	3,797	2,307		24				185,047	369 57	28
29 Mississippi,	256	52,947	30	281,811			222	216,530	1	400								353	15.823	157	9,125	4	575	1,807	13,384	9,906	422		1,155				549,131	1,098 06	29
30 Monroe,	368	130.204	00	492.223	51	4,010	461	223.565	1	1,400					150	15	1,113	431	19,970	108	6,128	10	460	1.460	11,887	11,178	4,086		1,470				777.610	1,878 68	30
31 Montgomery,	389	9,512	00	61,778	50	2,505	43	23.600	4	1,000	1	180	1	125				547	24,748	19	175	1	200	2,295	20,227	440	1,488		140				136,606	275 21	31
32 Newton,	311	5 378	00	27.808	17	795	21	9,250	1	600			1	50		1	50	531	21,303	10	490	7	600	1,475	12,602	2,950	215						76,713	153 38	32
33 Ouachita.	1,010	115,879	00	480.831	298	118.940	2,327	1,085,410	9	6.125	3	1,650			4,425	38	5,360	1,197	65,008	519	34,971	7	1,730	3,901	36,174	121,654	16.484	1,450	6,260				1 986,472	4,061 11	33
34 Perry.	186	16,351	00	56.262	53	1,575	13	4,900	2	1,800								270	10,625	14	825	9	1,010	1,223	8,613	1,585			100				87,2[illegible]5	187 21	34
35 Phillips,	722	295.000	00	1,295,377	897	113,039	2,330	1,110,100	4	7,030	1	200			3,125	39	6,350	1,157	53,355	577	44,417	16	2,520	4,112	29,921		500	205	6,172				2,672,311	5.508 04	35
36 Pike,	302	15.918	00	64.331	22	1,823	84	33,950	1	500	2	100				5	248	469	20,575	25	1.365	1	100	1,375	10,690	694	921		15				135,312	285 83	36
37 Poinsett,	413	49.120	00	171,625	24	1,810	206	97.125								1	100	626	27,200	32	1,595	8	1,025	1,928	16,274	6,231	175	600	72				323.832	1,242 21	37
38 Polk,	225	3,513	00	14,876	51	1,155	41	14.900	4	1.050								321	13,370	16	955	3	700	1.076	8,810	112	345						56.273	112 32	38
39 Pope,	719	41.994	00	171,212	115	13.260	334	138,645	13	14,800	1	400				10	680	1,104	46,814	110	5.354	7	1,340	3,504	28.956	13,365	2,257		175	6,500			443.758	887 51	39
40 Prairie,	482	133.002	00	423,564	162	9 907	497	21 2.355							1,000	15	1,125	664	27,224	97	5 560	3	400	1.856	16,246	9,984	2,081	100	675				710,221	1.836 92	40
41 Pulaski,	955	194,433	00	791,682	3.878	607,552	924	428,970	4	7,500	3	1.850			21,429	61	9,835	1,312	51,534	175	10,082	9	850	4,228	30,944	350	12,169	3,6 00	11,362	2,850			1,992,559	5,112 10	41
42 Randolph,																																			42
43 Saline,	675	86,351	00	285,897	185	10.220	408	189,825	4	950	1	50				7	655	889	39.461	166	6,580	8	575	2.959	26.296	2.904	8.635	25	375				572,118	1.145 07	43
44 Scott,	397	11,973	00	44,702	25	4,222	90	39,265	3	2,300	2	200			100			758	32,801	31	1.489	11	1,970	2,430	22,165	2,314	1.127		205				152.860	305 72	44
45 Searcy,																																			45
46 Sevier,	473	75 803	00	273.688	84	3.321	1,076	488.870	3	1,100	7	1,003			25	6	970	996	45.940	235	15.911	11	2.060	3.854	23.750	11,350	6.447	658	1,225				876.348	1.752 69	46
47 St. Francis,	682	136,074	00	598,507	85	4,505	635	311.905	2	2.300	2	375			850	13	1,500	1,000	50.692	151	9.495	13	1.150	3.078	26.487	51.725	3,790	8.300	2.235				1.073.816	2.951 47	47
48 Sebastian,	700	71.074	00	329.482	174	221.524	289	117.637	3	3,100	1	600			3,400	14	2,900	1,172	51,543	109	5.895	80	3,860	2,890	31.672	261,564	23,482	289	4.010	1,785			1,062.734	2,127 15	48
49 Union,	1,295	195,315	00	611.980	148	56,261	3,681	1,770.969	11	3,985	1	50	1	600	1,100	27	3,190	621	95.162	839	59,575	6	515	5,300	42.716	22.600	19,658	2,000	6.133				2,6[illegible]6.524	5.395 76	49
50 Van Buren,	439	11.221	00	52,176	21	2,495	86	34.550	1	100	2	300	1	130		1	60	696	26.623	51	2.420	12	2.178	2.087	17.416	1,632	1,113		89				141,582	313 72	50
51 Washington,	1,279	52 454	00	531,008	172	53,095	776	316.773	7	2,300	7	1,905	1	75		16	1,925	3,017	122,453	282	14,419	22	1,850	6,590	52.308	6,965	25,168	50	1,395	2.075			1,136,761	2.273 84	51
52 White,																																			52
53 Yell,	611	59.192	00	197,791	283	30.730	383	161,515	9	5,006	4	500				7	715	998	41.723	88	5,015	13	1.550	3.081	27.849	15,146	2,900		591				496,797	993 37	53
	28.238	4,108,272	76	$17,129,513	11,828	$1,735,512	36,482	$16,712,357	198	$117,006	82	$20,203	42	$3,945	54,679	498	63,237	44,076	$1,978,250	9,410	$560 360	491	$57,028	114,40[illegible]	$1,166,526	$961,670	$281,431	19,463	$89,511	$13,835		$25	$11,000,576	$88,906 12	

(I.)

STATISTICAL TABLE, showing each species of property taxed in the State, and the separate value of each; the total value of property taxed in the State, annually, for nine years, commencing with the year 1838, and ending with the year 1846, and the amount of taxes charged thereon for each year, as shown in former reports. During the whole period, the rate of State tax remained at one-eighth of one per cent, on the assessed value of taxable property, and no change of any importance was made in the Revenue Law. To ascertain, in detail, the state of the returns from the respective counties for each year, reference should be made to the several statements from which this has been formed.

[illegible]	White population.	Slave population.	Number of acres of land taxed.	One hundredths of an acre.	Value of lands and improvements; taxed.	Number of Town Lots taxed.	Value of town Lots and Improvements, taxed.	Number of slaves over 8, and under 60 years of age, taxed.	Value of slaves over 8, and under 60 years of age, taxed.	Number of saw mills taxed.	Value of saw mills taxed.	No. of tan-yards taxed.	Value of tan-yards taxed.	Number of distilleries taxed.	Value of distilleries taxed.	Household furniture over four hundred dollars worth, taxed.	No. of pleasure carriages taxed.	Value of pleasure carriages taxed.	No. of horses and mares over three years old, taxed.	Value of Horses and mares over three years old, taxed.	No. of mules over two years old taxed.	Value of mules over two years old, taxed.	No. of jacks and jennies over two years old, taxed.	Value of jacks and jennies over two years old taxed.	No. of neat cattle over three years old, taxed.	Value of neat cattle over three years old, taxed.	Capital employed in merchandising taxed.	Money loaned at interest taxed.	Capital in steam boats taxed.	Pedlars of merchandise licenses.	Pedlars of clocks licenses.	Total value of taxable property.	Total amount of State Tax.
[illegible]	[illegible]	15,11[illegible]	[illegible]3,981	00	$7,274,625 07	1,370	$601,903 00	5,717	$2,851,150	49	$87,860	19	$10,250	23	$2,575	$	26	$5,415	13,779	$768,112 00					35,781	$399,032 00	[$401,932 00		$	$	$	$15,564,284 00	$21,159 74
[illegible]			2,653,856	67	12,511,651 19	1,446	1,150,401 50	10,629	5,937,933	76	138,107	42	21,746	36	6,951	9,746	68	13,660	22,753	1,424,825 00	1,064	$73,542	107	$30,886	58,187	761,068 00	1,064,314 61	$92,358 75	16,500	700	250	23,283,691 02	30,446 12
[illegible]	[illegible]	[illegible]	2,735,805	36	11,325,421 70	5,226	1,410,506 25	10,148	5,465,315	81	162,251	34	15,088	55	8,145	27,750	79	16,885	23,831	1,397,668 50	1,124	69,756	140	32,700	59,070	755,171 50	1,011,[illegible]17 44	102,435 00	31,200	25	300	22,011,433 35	31,095 03
[illegible]			2,98[illegible],583	75	12,476,411 25	6,193	1,703,624 00	13,072	6,432,024	88	161,556	33	16,195	58	9,780	23,350	100	19,060	27,902	1,526,971 00	2,363	128,073	209	38,595	71,121	833,635 00	620,326 42	117,819 00	11,700	575		24,119,122 67	31,956 57
[illegible]	[illegible]	[illegible]	2,872,275	70	11,156,736 21	6,182	1,485,472 83	13,345	6,434,307	100	143,810	36	12,370	41	5,634	12,450	85	15,613	28,918	1,451,955 00	2,515	129,897	224	35,102	77,240	870,035 50	447,245 56	92,522 00	6,800			22,302,990 10	30,402 59
[illegible]			3,048,168	93	10,038,916 17	7,260¾	1,196,472 33	15,652	5,961,880	83	99,753	41	16,685	48	6,617	14,140	111	15,780	31,418	1,316,544 26	3,260	133,795	238	24,792	86,894	757,558 00	424,571 96	79,003 25	800	275		21,090,267 97	31,040 05
[illegible]			2,909,124	10	10,706,350 82	7,056	596,539 33	15,544	5,968,348	92	92,760	62	19,060	48	4,665	12,750	112	15,767	31,288	1,108,099 00	3,469	130,391	246	17,865	86,910	653,818 50	554,749 44	59,145 41	600	25		19,940,848 50	26,752 52
[illegible]			3,113,911	26	10,666,603 38	6,636¼	498,855 50	18,180	6,773,432	98	71,800	65	20,050	38	3,758	11,600	138	17,820	34,248	1,097,985 50	4,090	144,211	253	17,166	97,823	669,207 50	722,417 95	52,336 00	2,250	775	100	20,769,514 33	30,154 57
[illegible]	[illegible]11,125	32,845	3,068,593	85	10,345,880 68	7,318½	452,616 50	19,904	7,618,731	90	62,885	5[illegible]	14,165	38	3,222	11,360	153	20,005	33,198	1,043,789 00	4,439	161,549	220	14,660	92,527	628,783 50	704,186 07	68,803 00	9,312	75		21,159,857 75	28,860 31

(J.)

STATEMENT, showing each species of property taxed in the State, and the separate value of each; the total value of property taxed, and the amount of taxes charged thereon, for the years 1847, 1848, 1849, 1850, 1851 and 1852. From the county of Green, no return has been received for the year 1847, and no return has been received from the county of Crawford for the year 1850; nor have any returns been received from the counties of Crawford, Independence, Randolph, Searcy and White, for the year 1852.

Years.	Number of persons liable to pay a poll tax.	No. of acres of land taxed.	1-100 of an acre.	Value of lands and improvements taxed.	No. of town lots taxed.	Value of town lots taxed.	No. of slaves over 5 and under 60 years of age taxed.	Value of slaves over 5 and under 60 years of age, taxed.	No. of saw mills taxed.	Value of saw mills taxed.	No. of tan yards taxed.	Value of tan yards taxed.	No. of distilleries taxed.	Value of distilleries taxed.	Household furniture over two hundred dollars worth, taxed.	No. of pleasure carriages taxed.	Value of pleasure carriages taxed.	No. of horses and mares over 2 years old, taxed.	Value of horses and mares over 2 years old, taxed.	No. of mules over two years old, taxed.	Value of mules over 2 years old, taxed	No. of jacks and jennies over 2 years old, taxed.	Value of jacks and jennies over 2 years old, taxed.	No. of neat cattle over 2 years old, taxed.	Value of neat cattle over 2 years old, taxed.	Value of all goods, wares & merchandise of merchants & commission merchants, &c., taxed.	Money loaned at interest beyond am't. on which interest is paid, taxed.	Capital in steamboats ferries & toll bridges taxed.	Value of gold watches and jewelry of every kind, taxed.	Capital employed in manufactories, taxed.	Pedlars of merchandise licenses.	Pedlars of clocks licenses.	Keepers of billiard tables & ten-pin alleys licenses.	Total amount taxable property.	Total amount State Tax.
1847	2[illegible],176	3,301,159	95	$12,502,327 45	7,573	$1,082,532	24,986	$9,168,421	112	$72,613	75	$20,664	48	$3,864	$41,273	220	$27,405	40,320	$1,227,600	4,819	$196,779	314	$17,831	121,072	$723,809	$1,311,916	$103,312	$19,184	$48,245	$10,900	$700	$150	$125	$27,178,875 43	$70,498 72
1848	[illegible]	3,5[illegible]3,414	98	13,328,762 82	8,213½	1,171,964	27,164	10,682,179	121	83,370	74	21,330	46	4,123	39,035	235	29,575	43,068	1,481,761	5,259	233,390	276	21,368	122,913	804,716	790,426	122,936	29,648	52,173	8,280	200	100	75	28,904,596 88	75,174 17
1849	25,08[illegible]	4,954,965	95	15,242,652 89	8,903	1,322,788	30,133	11,856,711	131	81,171	92	24,945	51	4,239	42,685	248	42,057	45,296	1,593,729	6,542	295,989	316	27,150	133,796	876,716	1,782,304	139,082	20,885	58,147	5,362	750	150	75	33,406,612 89	87,936 26
1850	26,727	4,9[illegible]7,919	78	15,562,190 11	9,841	1,289,580	32,399	13,455,976	144	98,130	92	28,130	38	2,680	39,660	298	36,566	45,916	1,716,780	7,230	358,809	338	34,580	140,388	954,766	905,384 53	157,751 10	23,433	51,788	19,628	125	100		34,935,085 74	93,540 21
1851	31,352	[illegible]397,849	10	17,496,826 00	12,592	1,824,947	34,687	16,253,453	173	129,840	88	30,925	50	3,998	53,665	430	49,344	48,960	2,055,854	8,467	477,255	454	50,371	160,276	1,201,684	2,927,344	261,158	14,800	80,371	27,681	175	25		42,939,515 00	89,637 70
1852	28,238	4,108,272	76	17,129,513 00	11,828	1,735,512	36,48[illegible]	16,712,357	198	147,006	82	20,203	42	3,945	54,678	498	63,237	44,076	1,978,250	9,410	560,360	491	57,028	144,409	1,166,526	964,670	284,431	19,463	89,541	13,835	25			41,000,556 00	88,906 12

The above statements have been prepared to show the operation of the Revenue Laws. Table marked "I," exhibits the amounts of Revenue charged on taxable property for each of the nine years stated, under the Revenue act of 5th March, 1838. Table marked "J," exhibits the amounts of Revenue charged on taxable property for the years 1847, 1848, 1849 and 1850, under the Revenue act of 5th March, 1838, as amended by the Revenue act approved 16th Dec., 1846, and for the years 1851 and 1852, under the Revenue act approved 16th Dec., 1846, as amended by the Revenue act of 11th January, 1851.

(L.)

A STATEMENT, showing the balance of the Seminary Fund remaining in the Treasury, on the 1st October, 1850; the several distributions made to each county, during the two years ending 30th September, 1852; the total amount distributed, including said balance; the amount paid out; and the balance remaining in the Treasury, due to counties, 1st Oct., 1852.

	COUNTIES.	Balance due 1st October, 1850.	Distribution 1st January, 1851.	Distribution 1st. July, 1851.	Distribution 1st January, 1852.	Distribution 1st July, 1852.	Total amount distributed, including balance due October, 1st. 1850.	Amount paid out.	Balance due and remaining in Treasury 1st October, 1852.
1	Arkansas,	$216 99	$32 33	$48 56	$32 01	$23 50	$383 39	$	$383 39
2	Ashley,		28 58	42 67	28 08	20 62	119 95		119 95
3	Benton,	142 60	77 33	116 66	76 66	55 50	468 75	219 93	248 82
4	Bradley,	404 31	49 28	74 22	48 79	35 50	612 10	453 59	158 51
5	Carroll,	252 86	82 58	124 62	81 76	58 74	600 56	252 86	347 70
6	Chicot,	287 83	17 93	26 78	17 75	12 63	362 92	332 54	30 38
7	Clark,	180 86	57 98	87 40	57 40	42 20	425 84	383 64	42 20
8	Conway,	444 32	61 88	93 29	61 27	44 98	705 74	599 49	106 25
9	Crittenden,	350 66	48 08	72 40	47 60	34 63	553 37	356 66	202 71
10	Crawford,	349 49	123 68	186 80	122 45	81 06	863 48		863 48
11	Calhoun,								
12	Dallas,	157 25	79 88	120 53	79 00	57 82	494 48		494 48
13	Desha,	123 87	28 13	42 22	27 85	20 00	242 07	194 22	47 85
14	Drew,		48 08	72 44	47 60	34 63	202 75	202 75	
15	Franklin,	229 76	56 63	85 35	56 06	40 73	468 53	468 53	
16	Fulton,	301 86	35 48	53 34	35 13	25 55	451 36	301 86	149 50
17	Green,	163 73	49 88	75 13	49 37	35 92	374 03	338 11	35 92
18	Hempstead,	681 08	95 18	143 68	94 26	68 23	1,082 43		1,082 43
19	Hot Spring,	75 69	52 18	80 13	52 63	38 00	298 63	260 63	38 00
20	Independence,	671 29	111 23	167 97	110 10	79 55	1.140 14	1,060 59	79 55
21	Izard,	308 91	55 58	83 76	55 00	39 98	543 23	448 25	94 98
22	Jackson,	423 06	58 13	87 62	57 53	31 00	657 34	626 34	31 00
23	Jefferson,	308 91	64 43	97 15	63 77	46 30	580 56	470 49	110 07
24	Johnson,	160 98	85 88	129 60	83 34	62 03	521 83	376 46	145 37
25	Lafayette,	112 93	25 43	38 13	26 16	18 50	220 15		220 15
26	Lawrence,	356 97	89 10	134 37	88 12	64 34	732 90	668 56	64 34
27	Madison,	277 69	80 63	121 67	79 80	58 35	618 14	479 99	138 15
28	Marion,	304 71	42 53	64 00	42 09	30 68	481 01		484 01
29	Mississippi,	176 36	24 83	37 22	25 56	18 55	282 52	176 36	106 16
30	Monroe,	103 18	33 98	51 07	33 62	24 58	246 43	137 16	109 27
31	Montgomery,	79 56	37 43	56 29	35 15	27 54	235 97	208 43	27 54
32	Newton,	239 81	31 13	46 76	30 80	23 04	371 54	317 70	53 84
33	Ouachita,	234 97	109 58	165 47	108 25	79 00	697 27	510 02	187 25
34	Perry,	67 00	16 73	24 97	16 54	12 27	137 51	108 70	28 81
35	Phillips,	554 10	71 78	108 25	71 04	52 04	857 21		857 21
36	Pike,	139 70	29 78	44 71	29 46	22 10	265 75	169 48	96 27
37	Poinsett,	349 86	37 28	56 06	36 89	27 43	507 52	349 86	157 66
38	Polk,	42 65	21 38	32 00	21 15	15 60	132 78	132 78	
39	Pope,	197 55	71 63	108 05	70 90	51 93	500 06	377 23	122 83
40	Prairie,		33 97	50 16	33 00	24 64	141 77	117 13	24 64
41	Pulaski,	667 20	65 63	98 97	64 96	46 65	943 41	943 41	
42	Randolph,	440 08	60 53	91 25	59 90	44 05	695 81	651 76	44 05
43	Saline,	66 61	62 18	93 75	61 48	45 20	329 22	329 22	
44	Scott,	149 77	57 98	87 39	57 44	31 70	384 28	352 58	31 70
45	Searcy,	228 62	40 28	60 60	40 21	29 07	398 78	268 90	129 88
46	Sevier,	206 76	54 98	82 85	54 41	39 70	438 70	206 76	231 94
47	St. Francis,	195 24	88 13	133 00	87 23	63 90	567 50	503 60	63 90
48	Sebastian,								
49	Union,	730 26	134 23	202 93	132 57	97 00	1,326 99	1,097 42	229 57
50	Van Buren,	335 27	47 50	69 46	45 55	34 40	532 18	382 77	149 41
51	Washington,	526 86	173 03	261 50	171 08	124 40	1,256 87	961 39	295 48
52	White,	134 23	43 28	65 14	42 83	31 80	317 28		317 28
53	Yell,	186 04	50 93	76 72	50 40	36 80	400 89	313 69	87 20
		$13,400 29	$3.036 21	$4,575 06	$3,001 00	$2,164 36	$26.176 92	$17,105 84	$9,071 08

(K.)

A STATEMENT, showing the balance of the Internal Improvement Fund remaining in the Treasury, and due to counties on the 1st October, 1850; the several distributions made to each county during the two years ending with the 30th October, 1852; the total amount distributed including said balance; the amount of warrants drawn thereon; and the balance remaining in the Treasury due to counties on 1st October, 1852.

	COUNTIES.	Balance due 1st October, 1850.	Distribution January 1, 1851.	Distribution July 1, 1851.	Distribution January 1, 1852.	Distribution July 1, 1852.	Total amount distributed, including balance due 1st October, 1850.	Amount of Warrants drawn.	Balance due and remaining in Treasury, 1st October, 1852.
1	Arkansas,	$832 31¾	$225 47	$267 69	$59 18	$450 69	$1,835 31¾	$1,325 47¾	$509 87
2	Ashley,	832 30	225 47	267 69	59 18	450 69	1,835 33	1,384 61	450 69
3	Benton,	832 30	225 47	267 69	59 18	450 69	1,835 33	1,391 64	450 69
4	Bradley,	832 30	225 47	267 69	59 18	450 69	1,835 33	1,325 46	509 87
5	Carroll,	397 58	225 48	267 69	59 18	420 69	1,400 62	890 75	509 87
6	Chicot,	832 30	225 48	267 69	59 18	450 69	1,835 31	1,325 47	509 87
7	Clark,	832 30	225 48	267 69	59 18	450 69	1,835 31	1,835 31	
8	Conway,	832 30	225 48	267 69	59 18	450 69	1,835 31	1,384 65	550 69
9	Crittenden,	832 30	225 48	267 69	59 18	450 69	1,835 31	1,384 65	450 69
10	Crawford,	832 29	225 48	267 69	59 18	420 69	1,835 33	1,835 35	
11	Calhoun,		225 48	267 69	59 18	450 69	1,003 01	493 17	509 87
12	Dallas,	397 58	225 48	267 69	59 18	450 69	1,400 62	1,400 62	
13	Desha,	832 30	225 48	267 69	59 18	450 69	1,835 31	1,835 34	
14	Drew,	832 31	225 48	267 69	59 18	450 69	1,835 35	1,835 35	
15	Franklin,	397 60	225 48	267 69	59 18	450 69	1,400 61	1,400 61	
16	Fulton,	832 31	225 48	267 69	59 18	450 69	1,835 35	1,835 35	
17	Green,	390 00	225 48	267 69	59 18	450 69	1,393 04	883 17	509 87
18	Hempstead,	832 31	225 48	267 69	59 18	450 70	1,835 36		1.835 36
19	Hot Spring,	832 31	225 48	267 69	59 18	450 70	1,835 36	1,835 36	
20	Independence,	832 31	225 48	267 69	59 18	450 70	1,835 36	1,835 36	
21	Izard,	397 59	225 48	267 69	59 18	450 70	1,409 64	890 76	509 88
22	Jackson,	832 31	225 48	267 69	59 18	450 70	1,835 36	1,835 36	
23	Jefferson,	832 31	225 48	267 69	59 18	450 70	1,835 36	1,835 36	
24	Johnson,	390 00	225 48	267 69	59 18	450 70	1,393 05	1,393 05	
25	Lafayette,	832 32	225 48	267 69	59 18	450 70	1,835 37	1,325 49	509 88
26	Lawrence,	832 32	225 48	267 69	59 18	450 70	1,835 37	1,384 67	450 70
27	Madison,	390 00	225 48	267 69	59 18	450 70	1,393 05	942 35	450 70
28	Marion,	390 00	225 48	267 69	59 18	450 70	1,393 05	883 17	509 88
29	Mississippi,	832 31	225 48	267 69	59 18	450 70	1,835 36	1,384 66	450 70
30	Monroe,	832 31	225 48	267 69	59 18	450 70	1,835 36	1,835 36	
31	Montgomery,	832 31	225 48	267 69	59 18	450 70	1,835 36	1,835 36	
32	Newton,		225 48	267 69	59 18	450 70	1,003 05	1,003 05	
33	Ouachita,		225 48	267 69	59 18	450 70	1,003 05	1,003 05	
34	Perry,	832 31	225 48	267 69	59 18	450 70	1,835 36	1,835 36	
35	Phillips,	832 32	225 48	267 69	59 18	450 70	1,835 37	1,384 67	450 70
36	Pike,	832 31	225 48	267 69	59 18	450 70	1,835 36	1,835 36	
37	Poinsett,	832 31	225 48	267 69	59 17	450 70	1,835 35	1,835 35	
38	Polk,	390 00	225 48	267 69	59 17	450 70	1,393 04	1,393 04	
39	Pope,	832 30	225 48	267 69	59 17	450 70	1,835 34	1,057 78	778 78
40	Prairie,	832 31	225 48	267 69	59 17	450 70	1,835 35	1,835 35	
41	Pulaski,	832 31	225 48	267 69	59 17	450 70	1,835 35	1,835 35	
42	Randolph,	832 31	225 48	267 68	59 17	450 70	1,835 34	1,835 34	
43	Saline,	832 31	225 48	267 68	59 17	450 70	1,835 34	1,835 34	
44	Scott,	397 59	225 48	267 68	59 17	450 70	1,400 62	890 75	509 87
45	Searcy,	832 31	225 48	267 68	59 17	450 70	1,835 34	1,835 34	
46	Sevier,	832 31	225 48	267 68	59 17	450 70	1,835 34	1,835 34	
47	St, Francis,	832 31	225 48	267 68	59 17	450 70	1,835 34	1,835 34	
48	Sebastian,			267 68	59 17	450 70	777 55	777 55	
49	Union,	832 32	225 48	267 68	59 17	450 70	1,835 35	1,384 65	450 70
50	Van Buren,	390 00	225 48	267 68	59 17	450 70	1,393 03	1,393 03	
51	Washington,	832 31	225 48	267 68	59 17	450 70	1,835 34	1,384 64	450 70
52	White,	832 31	225 48	267 68	59 17	450 70	1,835 34	1,835 34	
53	Yell,	832 31	225 48	267 68	59 17	450 70	1,835 34	1,325 47	509 87
		$35,955 65¾	$11,721 92	$14,187 45	$3,136 37	$23,886 93	$88,991 32¾	$76,162 84¾	$12,728 48

(M.)

ESTIMATES.

ESTIMATED Receipts of Ordinary Revenue, and Expenditures under existing laws, for the two years ending with the 30th September, 1854; including funds on hand applicable to ordinary expenditures, and Treasury Warrants unredemed 1st October, 1852.

RECEIPTS.		
To be paid into the State Treasury, from all sources, for ordinary revenue, the first year,		$69,000 00
To be paid into the State Treasury, from all sources, for ordinary revenue, the second year,		80,000 00
Surplus revenue to the credit of the State, in the State Bank,		9,163 76
Balance due the State Treasury, from the State Bank, at Little Rock, in Arkansas Bank Paper, under section 1, of appropriation act of 10th January, 1845,		4,495 00
Balance Arkansas Bank paper in the State Treasury, 1st October, 1852,		5,617 36
Balance specie in the State Treasury, applicable to the redemption of Treasury Warrants, 1st October, 1852,		16,692 22
EXPENDITURES.		$184,968 34
Estimated pay of Members and Officers, and contingent expenses of the General Assembly, at the approaching session,	$30,000 00	
Printing and distributing the Acts and Journals, will probably require,	6.000 00	
Printing, binding and distributing the Reports of the Supreme Court, will probably require,	4,000 00	
To pay the salaries of the Governor, three Supreme and six Circuit Judges, six Prosecuting Attorneys, Secretary of State, Auditor, Treasurer, Reporter of the Supreme Court, Penitentiary Inspectors, and Clerk hire in the Auditor's office, all for two years,	48,440 00	
To pay the salary of the Land Agent, for two years,	1,000 00	
To pay expenses on account of the Penitentiary,	20,000 00	
To pay for stationery, printing and postage of State Officers, and for stationery and fuel for the use of the Legislature,	2,000 00	
All other ordinary contingent expenses of the State and State Officers,	10,000 00	
Estimated arrearages due from the State Treasury, on account of salaries of Officers; Auditor's Warrants outstanding, $1,280; old State Scrip in circulation, $113 89, exclusive of interest thereon; balances due to counties in Arkansas Bank paper and specie; and for all other contingent expenses of the State,	6,000 00	
To pay salaries of Bank Officers, to include arrearages due,	14,600 00	
Add Treasury Warrants, unredeemed 1st October, 1852,	58,833 43	$200,873 43
Probable deficit on 1st October, 1854,		$15,905 09

(N.)

A STATEMENT, showing the amount of State Bonds issued to, and sold by the Bank of the State of Arkansas, remaining unredeemed, and unpaid interest due thereon, 1st October, 1852; the number of Bonds unsold, and the number of Bonds which have been redeemed, as reported to the Auditor.

UNREDEEMED STATE BONDS, WITH INTEREST DUE THEREON, 1st OCTOBER 1852.								
UNDER WHAT ACT ISSUED.	No. of Bonds unredeemed.	Rate of interest which they bear.	Amount of Bonds unredeemed.	When the Bonds unredeemed will be due and payable.	Amount of interest on Bonds unredeemed, 1st Oct., 1852.	Amount of interest paid in July, 1842.	Balance of Interest due on Bonds 1st October, 1852.	Total amount of principle and interest on State Bonds, sold by the State Bank, remaining unpaid, on the 1st October, 1852.
Act approved 2d November. 1836.	38	5 per cent.	$38.000 00	1st January, 1887.	$20,425 00	$4,980 00		
Act approved 18th December, 1837,	915	6 per cent.	915,000 00	1st January, 1868.	590.175 00		$605.620 00	$1,558,620 00
Total,	953		$953,000 00		$610.600 00			
				UNSOLD STATE BONDS.				
Act approved 2d November, 1836.	154	5 per cent.		On file in the State Treasury, being the same Bonds heretofore on deposit in the Bank at Washington City.				
Act approved 2d November, 1836,	7	5 per cent.		Cancelled and filed with the State Treasurer, before the 1st October. 1850.				
Act approved 13th December, 1838,	300	6 per cent.		Cancelled and filed with the State Treasurer, before the 1st October. 1844.				
				REDEEMED STATE BONDS.				
Act approved 2d November, 1836.	98	5 per cent.		Cancelled and filed with the State Treasurer, up to 1st October, 1852.				
Act approved 18th December, 1837,	85	6 per cent.		Cancelled and filed with the State Treasurer, up to 1st October, 1852.				

(O.)

A STATEMENT, showing the indebtedness of the Real Estate Bank, on account of Bonds, and interest as shown by the following letter to the Auditor.

CAPT. C. C. DANLEY,
Auditor, &c.

DEAR SIR: The whole amount of Bonds issued by the Real Estate Bank, and sold for Capital Stock, is 1,530, ...		$1.530.000
The interest thereon, from 1st July, 1841, to 1st October 1852, ...		1.032.750
		2,562,750
Deduct 107 of the above Bonds, redeemed by the Bank and now in the hands of Trustees, ...	$107.000	
The interest thereon, and Coupons taken up, is	74,000	181.000
Would leave, 1st October, 1852, on above Bonds and interest, ...		$2,381,750
The Bank owes, also, on 500 hypothecated Bonds, in the hands of James Holford, ...	$122,389 77	
And interest thereon, since 7th September, 1840, ...	88.610 23	$211,000 00

Very truly, yours,
THOS. W. NEWTON.

The roll was called and the following Senators answered to their names.

Messrs Berry, Billingsley, Chapman, Davidson, Deshongh, Ellis, Fletcher, Hampton, Harley, Harrison, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Mr President—20.

Mr Hanley withdrew his motion for a further call of the Senate.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the hall of the House of Representatives is now in readiness to receive the Senate, for the purpose of receiving the message of the Governor.

JAMES H. HOBBS,
Clerk House of Representatives.

On motion of Mr Hampton, the Senate repaired to the House of Representatives, and being seated, the message of His Excellency, the Governor, was delivered to the two Houses, in joint convention; and read by Marcus L. Bell, Esq., His Excellency's private secretary; when the Senate returned to their chamber.

On motion of Mr Chapman, the Senate took a recess until 3 o'clock, P. M.

At 3 o'clock, P. M., the Senate convened.

On motion of Mr DeShongh, the Senate adjourned.

THOMAS B. HANLEY.

* * *

Thursday, Nov. 4, 1852.

Senate met pursuant to adjournment.

The roll wass called, by order of the President, and twenty-one Senators answered to their names.

Prayer by Rev. A. R. Winfield, Chaplain.

The journal of yesterday was read and approved.

The chair appointed Messrs Harley, Underhill and Hampton a committee to frame rules for the government of the proceedings of the Senate; and to act with such committee as may be appointed by the House of Representatives, in framing rules for governing the joint action of the two Houses, and the intercourse between them.

Mr. Rose presented the petition of Bartlett Zachary, of Johnson county, praying the name of Ellen Kimbro to be changed to Ellen Zachary; and that she be constituted the legal heir of said Bartlett Zachary.

Which was read, and, on motion of Mr Rose, it was referred to a select committee, consisting of Messrs Rose, Henson and Maxwell.

Mr Underhill introduced the following

RESOLUTIONS:

Resolved, That so much of the governor's message as relates to the banks be referred to the committee on banks.

That so much as relates to the geological survey of the state, be referred to the committee on internal improvements.

That so much as relates to railroads, and the 500,000 acres of land donated to the state for internal improvement purposes, be referred to the committee on internal improvements.

That so much as relates to the swamp and overflowed lands donated to the state for purposes of reclamation, be referred to the committee on internal improvements.

That so much as relates to education, and the seventy-two sections of land donated to the state to aid her in endowing a seminary of learning, be referred to the committee on education.

That so much as relates to common schools, be referred to the committee on education.

That so much as relates to the penitentiary, be referred to the committee on the penitentiary.

That so much as relates to the exemption of a homestead, be referred to the committee on the judiciary.

That so much as relates to the collection, safe-keeping and disbursement of the public funds and the revenue of the state, be referred to the committee on ways and means.

That so much as recommends a tax for railroad purposes, be referred to the committee on the judiciary.

Which were read and adopted.

Mr Harrison introduced the following

RESOLUTION:

Resolved, That 1,000 copies of the governor's message, with the accompanying documents, be printed, for the use of the Senate.

Which was read, and, on motion of Mr Hampton, it was referred to the committee on public printing.

Mr Berry introduced the following preamble and resolution:

Whereas, difficulties frequently occur, on account of attachments being issued against the property of individuals, on the bare supposition of the plaintiff that the defendant is about to leave the state, &c., without procuring any evidence for his belief, thereby causing the property of the defendant to be exposed without real cause Therefore,

Be it resolved, That the committee on the judiciary be requested to inquire into the expediency of so amending the attachment law, that the difficulty above alluded to might be remedied; and that they report by bill or otherwise.

Which were read, and adopted on motion of Mr Berry.

Mr Henson introduced the following:

As a last tribute of respect, and in testimony of the high regard and esteem in which which we held the deceased while living, I ask leave to introduce the following resolutions, which I hope will be *unanimously* adopted:

Resolved by the Senate and House of Representatives of the State of Arkansas; That the melancholly dispensation which has deprived us of our amiable friend, the Hon. JAMES M. WILLS, the country has lost one of its most useful citizens and faithful servants, and society has been deprived of one of its brightest ornaments; a man who, in all the relations which bound him to his country, his friends and his family, so demeaned himself, that while he obtained the respect and canfidence of his fellow men, he won the generous opinions of his friends, and affectionate devotion of his family.

Resolved, That, as a tribute of the many of the deceased, the estimation in which we held him, and as an expression of the deep sympathy which we feel in common with all who knew him, we, the members of this General Assembly, will wear the usual badge of mourning for thirty days.

Resolved further, That a copy of these resolutions be published in the papers of this city, and a copy of the same be transmitted to his bereaved family by the secretary of the Senate.

Which were read.

On motion of Mr Izard, the rule of the Senate requiring joint resolutions to lie on the table one day, was dispensed with, the resolutions read a second time, and *unanimously* adopted.

Mr Harrison give notice, that on to-morrow, he would introduce a bill to be entitled "an act to amend chapter 4, of the Digest of the Statutes of Arkansas."

Mr Billingsley introduced the following

RESOLUTION:

Resolved, That the notice of introducing bills be dispensed with.

Which was read.

On motion of Mr Harley, it was laid on the table for the present.

On motion of Mr Izard, the Senate took a recess until 11 o'clock A. M.

At 11 o'clock A. M. the Senate convened.

Message from the House of Representatives by the the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have passed the following

RESOLUTION:

Resolved, That this House agree to meet at the hour of 12 o'clock M., on to-day, in the hall of Representatives, for the purpose of counting the votes for the executive office, and that your honorable body be requested to concur herein.

JAMES H. HOBBS,
Clerk House Representatives.

On motion of Mr Hampton, the message from the House of Representatives was taken up and read, and the resolution accompanying it concurred in by the Senate, and House of Representatives informed thereof.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have concurred in the Senate's resolution, raising a joint select committee to draft rules and regulations necessary to the government of the General Assembly. The committee on the part of the House are Messrs Saunders, Pettus, Saffold, Bearden and Rumph.

JAMES H. HOBBS,
Clerk House Representatives.

No. 1. Mr Poindexter asked and obtained leave to introduce a bill, to be entitled "an act to regulate the per diem pay and mileage of the members of the General Assembly."

Which was read a first time, and ordered to a second reading on to-morrow.

The chair laid before the Senate the following report of the Financial Receiver of the bank of the State of Arkansas:

REPORT

Of the Financial Receiver of the Bank of the State of Arkansas.

To the Hon. General Assembly of the State of Arkansas:

In pursuance of law, I lay before you my

REPORT:

On 1st October, 1850, the Notes and Judgments due the Bank, with interest calculated up to that time, amounted to the sum of $1,081,560 17.

This sum was classed as follows:

Solvent, - - - - -	$267,186 81
Doubtful, - - - - -	241,404 52
Insolvent, - - - - - -	276,664 46
Lost, - - - - - -	296,304 38

By reference to the annexed table, it will be seen that the collections made from 1st Oct., 1850, to 1st Oct., 1852, amount to the sum of $178,628 75. This amount was collected almost entirely from debts classed as *solvent.*

Not exceeding *one-third* of the debts classed as *doubtful* will be collected.

Between $5,000 and $6,000, of debts classed as *insolvent,* have been compromised, and a portion of that amount collected. The balance will be lost.

Of the debts classed as *lost*, $417 01 has been collected.

The amount that will yet be collected, will not exceed $200,000.

There are 915 six per cent. bonds, issued on account of the State Bank; yet outstanding; Principal, - - - -		$915,000		
Interest thereon from 1 Jan., 1842, to 1 Oct., 1852—10 years and 9 months - -	$590,175			
Deduct interest paid, 1 Jan., 1842, - - - - - -	4,980			
		585,195		
			$1,500,195	00
38 five per cent. bonds outstanding; Principal, - - - - - - -		$38,000		
Interest due thereon from 1 Jan., 1842, to 1 Oct., 1852, - - - - -		20,425		
			58,425	00
Total amount of 953 bonds outstanding, - -			$1,558,620	00
Arkansas State Bank paper yet unburnt, - -			47,197	50
Total indebtedness of the Bank, on account of her bonds and issues, - - - - - - -			$1,605,817	50
The Resources of the Bank are: 232 Real Estate Bank bonds and coupons, and 61 coupons, detached, amounting, (as shown by the annexed table,) on the 1st Oct., 1852, to - - - - -			$382,570	00
Real Estate Bank paper, - - - - - - - -			80	00
State Bank paper, - - - - - - - - -			50	00
Worthless shinplasters and Mississippi paper, - -			2,699	75
Specie, - - - - - - - - - -			262	41
Notes and Judgments that will yet be collected, about			200,000	00
			$585,662	16
Deduct worthless shinplasters, &c., - - - - -			2,699	75
Total amount of good assets, - - - - -			$582,962	41
Loss to be paid by the State,			$1,022,855	09

On 12th May, 1849, *James M. Curran* recovered 94 Judgments against the Bank, on $9,355, of her issues, for the sum of $9,355, *debt*, and $5,306, *interest*. Interest was calculated from the suspension of specie payments by the Bank. A Bill in Chancery was filed by Curran, to subject the Real Estate taken in payment of debts due to the Bank to the payment of those Judgments. The matter was decided *against* the State and Bank, in the Circuit

Court, and in *favor* of them, in the Supreme Court, and is now pending in the Supreme Court of the United States.

On the 27th of September, 1850, *John G. Cocks* recovered 5 Judgments against the Bank, for $500, *debt*, and $325, *interest*.—Those Judgments are now in the Supreme Court, on appeal, by the plaintiff.

On the 3d January, 1852, *Wm. F. Moore*, as administrator of the estate of Miller Irvin, dec'd, recovered Judgment against the Bank for $262 06, damages, which Judgment is yet unpaid.

Respectfully submitted,

JOHN M. ROSS,
Financial Receiver.

Receiver's Office, State Bank,
Little Rock, *Ark.*, Oct., 1st, 1852.

JOHN M. ROSS, Financial Receiver, in account with the Bank of the State of Arkansas, for Cash collected from 1st October, 1850, to 1st October, 1852.

1850	Dr.		
Oct. 1.	To cash on hand this day reported to the legislature,		$224,110 68
1851. Jan. 29.	To cash paid by D. W. Carroll, Esq on account of collections made by him as Attorney for Principal Bank, before 1st October, 1850,	$3,753 08	
May 9.	To cash deposited by L. Chase, Trustee of R.E. Bank—being amount due in exchange of R. E. paper for State Bank Bonds,	870 00	
" 20.	To cash paid by Gen. G. W. Clark, Bank Agent,	2,373 82	
June 7.	To cash deposited by W. B. Wait,	636 00	
Oct. 18.	To cash paid by J. H. Crease, Esq., to redeem certificate of deposit given by him to S. & G. Turner, 12 October, 1843,	150 00	
Dec. 29.	To cash deposited by W. B. Wait,	429 00	
1852. May 1.	To cash paid on account of the amount due from M. W. Dorris, dec'd., late attorney for the Arkansas Branch,	3,510 00	
			11,721 90
Oct. 1	Collected at Principal Bank, from 1 Oct. 1850, to 1 Oct. 1852, on account of notes due her,		67,492 44
" "	To cash received from collections made at the Fayetteville Branch,		43,886 41
	To cash received from collections made at the Arkansas Branch,		44,499 63
	To cash paid by W C Bevens, Esq., attorney for Batesville Branch col-		

1851.	Cr.			
June 18.	By cash paid W. B. Wait, to redeem certificate of deposit,			$636 00
Oct. 21.	By cash paid R. E. Bank, on deposit made by Chase,		$ 354 79	
1852. April 15	" " same " " "		275 00	
May 4.	" " same " " "		240 21	
				870 00
Feb'y 12.	" " W. B. Wait, to redeem certificate of deposit,			429 00
June 21	By cash paid Col. Newton, cash'r and sec'y R. E. Bank, in full for judgment *vs.* State Bank,			233 76
	By one 5 per. cent. bond redeemed and cancelled,		1,414 58	
	By twenty-one 6 per cent. bonds redeemed and cancelled,		33,334 51	
				34,749 09
	By State Bank Paper redeemed and burnt,			2,890 00
	Total amount paid out, canceled and burnt,			$39,807 85
Oct. 1	By cash on hand:			
	143 R. E. Bonds reported to last legislature,	219,905 00		
	Interest on same two years, to 1 October, 1852,	17,160 00		
			237,065 00	
" "	By 89 R. E. Bonds, received since 1 October, 1850,	89,000 00		
	By interest pd. when rec'd.	49,366 83		
	By interest on same from			

JOHN M. ROSS, Financial Receiver, in account with the Bank of the State of Arkansas, for Cash collected from 1st October, 1850, to 1st October, 1852.—*Continued.*

1852.	*Dr.*			1852.	*Cr.*			
	lected by him of the securities of C. D. Cook, Esq., late Fnancial Receiver of said Branch,	$200 00			time they were received to the 1st Oct. 1852.	$5,308 17	143,675 00	
	To cash received from collections made at Batesville Branch,	10,828 37	$11,028 37	Oct. 1.	By worthless shinplasters received from Fayetteville branch, in 1849,	1,410 00		
Oct. 1.	To interest on 143 R. Bonds, from 1 Oct., 1850, to 1st Oct., 1852, 2 years,	17,160 00		" "	By worthless shinplasters and counterfeit notes, received from Batesville, in 1849,	239 75		
" "	To interest on 89 R. E. Bonds, from the time they were received in Bank, to 1st Oct., 1852,	5,308 17	22,468 17	" "	By worthless Mississippi money turned over to me by A. E. Thornton,	1,050 00	2,699 75	
			$425,207 60	" "	By 61 R. E. Bond coupns, at $30 each,	1,830 00		
				" "	By R E. Bank paper,	80 00		
				" "	By State Bank paper,	50 00	1,960 00	
					Total amount on hand, 1st October, 1852,			$385,399 75
								$425,207 60

RECEIVER'S OFFICE,
STATE BANK, *October* 1st. 1852.

JOHN M. ROSS,
Financial Reciver.

Which report was read.

On motion of Mr Izard, it was referred to the committee on banks.

On motion of Mr Clarke, the Senate took a recess until 12 o'clock M.

At 12 o'clock M. the Senate convened.

The chair laid before the Senate the following communication:

Litile Rock, Ark., Nov. 4, 1852.

To the Honorable, the Senate of the State of Arkansas, now sitting:

The undersigned, committee of arrangements, appointed by the Most Worshipful Grand Lodge, of Ancient York Masons, of the State of Arkansas, beg leave, on the part of that body, to invite you to participate in the grand demonstrations of the day, and join in the procession to the State House, at three o'clock this afternoon, where the new grand officer will be duly installed, and a patriotic address delivered in honor of the centenary of General Washington's initiation into the Ancient Order of Free and Accepted Masons.

Respectfully,

B. H. SMITHSON, A. M. WARD,
D. C. ROSS, J. J. THOMPSON.

Mr Chapman moved that the Senate accept the invitation, and participate in the demonstrations, as requested by the committee, appointed by the Grand Lodge of Arkansas.

Which motion prevailed.

Mr Berry moved that a committee be appointed to inform the committee of the Grand Lodge of Arkansas, that the Senate had accepted the invitation extended to them.

Which motion prevailed.

The chair appointed Messrs Berry, Chapman and Hampton such committee.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House is now ready to receive the Senate in their hall for the purpose of counting the votes for Governor.

J. H. HOBBS, *Clerk*

On motion of Mr Chapman, the Senate repaired to the hall of the House of Representarives, and being seated, the president of the Senate proclaimed, that the two Houses had met in convention for the purpose of counting the votes for Governor.

The abstracts of the counties were opened, and the result of the election in each proclaimed by the clerk of the House of Representatives; and were as follows:

	COUNTIES.	No. of votes rec. by E. N. Conway	No. of votes rec. by B. H. Smithson.
1	Arkansas,	216	168
2	Ashley,	211	116
3	Bradley,	271	234
4	Benton,	No returns	No returns
5	Clark,	290	388
6	Conway,	422	144
7	Calhoun,	223	73
8	Carroll,	390	384
9	Crawford,	87	604
10	Crittenden,	163	139
11	Chicot,	189	61
12	Dallas,	344	194
13	Drew,	247	200
14	Desha,	243	172
15	Fulton,	230	63
16	Franklin,	164	421
17	Green,	301	46
18	Hempstead,	352	511
19	Hot Spring,	348	237
20	Independence,	775	405
21	Izard,	438	64
22	Jefferson,	414	233
23	Jackson,	463	330
24	Johnson,	244	486
25	Lafayette,	285	185
26	Lawrence,	657	179
27	Madison,	No returns	No returns
28	Mississippi,	200	31
29	Marion,	238	175
30	Montgomery	123	202
31	Monroe,	173	119
32	Newton,	No returns	No returns
33	Ouachita,	501	483
34	Pike,	193	116
35	Phillips,	490	366
36	Pope,	276	360
37	Polk,	174	65
38	Pointsett,	390	23
39	Prairie,	284	185
40	Perry,	155	25
41	Pulaski,*	382	401
42	Randolph,	349	39
43	Searcy,	165	227
44	Sevier,	251	295
45	Scott,	211	257
46	Sebastian,	362	335
46	Saline,	339	259
48	St. Francis,	406	240
49	Union,	673	486
50	Washington,	220	1,168
51	White;	354	159
52	Vau Bnren,	285	84
63	Yell,	281	277
	Total,	15,442	12,414

*C. F. M. Noland received one vote.

Conway's majority 3,028

The president proclaimed, that Elias N. Conway having received a majority of all the votes cast, was duly and constitutionally elected Governor of the State of Arkansas, for, and during the time prescribed by the constitution.

The Senate returned to their chamber.

On motion of Mr Underhill, the Senate adjourned until to-morrow morning at 10 o'clock.

THOMAS B. HANLEY, *President.*

Friday, November 5th, 1852.

Senate met pursuant to adjournment.

The Senate ordered a call of the Senate; the roll was called and nineteen Senators answered to their names.

Parayer by the Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Lemoyne presented the petition R. H. Butrom, representing that himself and two others spent 49—in hunting for and bringing back to the penitentiary of this State, a certain convict, Andrew A. Rodgers, who had escaped from said penitentiary; that while engaged in pursuing said convict he spent the sum of $52 50; that the reward offered by the keeper of the penitentiary was only $50, lacking $2 50 of paying his expenses; and praying the passage of a special act, allowing him such compensation as the justice of his case may require.

Which was read, and on motion of Mr Lemoyne, referred to the committee on ways and means.

Mr Berry presented a petition, signed by 37 citizens of township No. 16 north, of range 24 west, in Madison county, praying the repeal of that portion of the act passed at the last session of the General Assembly, requiring the funds arising from the sale of the sixteenth sections to be placed in the county treasury, and to revive the law as it existed previous to the passage of said act, and so amend the same as to require a forfeiture of the land, upon a a forfeiture to pay the interest when due, and to authorize the commissioner to expose the land for sale again,

Which was read, and motion of Mr Berry, referred to the committee on education.

Mr Berry presented a petition signed by 47 citizens of township No. 19 north, of range 24 west, on the same subject as the last.

Which was read, and on motion of Mr Berry, referred to the committee on education.

Mr Poindexter presented the petition of Henry Jacobi, a book binder of the city of Little Rock, asking the General Assembly to sever the printing from the stitching, folding and binding, and to give him the contract for executing the latter.

Which was read.

On motion of Mr Poindexter it was referred to the committee on public printing.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House have concurred in the resolution of the Senate, lamenting the death of Hon. James M. Mills.

JAS. HOBBS, *Clerk*
House of Representatives.

Mr Miller presented the memorial of James Forsinan, a citizen of Franklin county, representing that he was appointed, on the 5th April, 1851, by Messrs Creed Taylor, John W. Buckner and Cincinnatus Trousdale, the swamp land commissioners of the State of Arkansas, to select and locate the swamp and overflowed lands in Franklin county; that he was engaged in such service for 24 days; and that said commissioners refuse to pay him for such service; and praying the passage of an act, appropriating the sum of $84 to him for such service; or the adoption of a resolution, requiring said commissioners to pay him.

Which was read.

On motion of Mr Miller, it was referred to a select committee, consisting of Messrs Miller, Lemoyne and Clarke.

Mr Burrow introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That a committee of three, on the part of the Senate, be appointed in conjunction with such committee as may be appointed by the House, to wait on Gen. E. N. Conway, the Governor elect, and ascertain from him, on what day it will suit his convenience to be inaugurated Governor of the State of Arkansas.

Which was read.

On motion of Mr Burrow, the rules of the Senate requiring joint resolutions to lie on the table one day, were dispensed with, the resolution read a second time and adopted, and then transmitted to the House of Representatives for their concurrence.

Messrs Burrow, Underhill and Hampton were appointed a committee on part of the Senate.

Mr Underhill introduced the following

RESOLUTION:

Resolved, That the committee on internal improvements be, and they are hereby instructed to report what amendments, if any are necessary, to the act of last session entitled "an act to provide for the reclaiming of the swamp and overflowed lands, donated to this State by the United States," and that they report by bill or otherwise.

Which was read and adopted.

Mr Maxwell introduced the following

RESOLUTION:

Resolved, That a committee be appointed to wait on the Secretary of State, and ascertain whether any of the clerks of the county courts made returns of the abstracts of the votes given in the Governor's election, to his office, instead of the Speaker of the House of Representatives; and if so, whether said abstracts are yet in his office.

Which was read and adopted; and Messrs. Maxwell, Mitchell and Henson, appointed such committee.

Mr Poindexter introduced the following

RESOLUION:

Ressolved, That a message be sent to the other branch of the General Assembly, proposing to constitute the committees on public printing, a joint committee.

Which was read and adopted.

Mr Poindexter introduced the following

RESOLUTION:

Resolved, That the committee on public printing be instructed to inform the different printers of Little Rock. that it will receive proposals from each, for the printing for the State, until the meeting of the next General Assembly, and that the committee be authorized to make such contract as it may deem advisible, subject to the approval of the General Assembly; which was read.

On motion of Mr Poindexter, the rules of the Senate were dispensed with, the resolution taken up, read a second time, and adopted.

Mr Henson introduced the following

RESOLUTION:

Resolved, That when the Senate adjourn on each day, that the adjournment be to nine o'clock on the ensuing day, until otherwise ordered.

Which was read.

The question was taken on its adoption, and it was lost.

Mr Burrow introduced the following

RESOLUTION:

Resolved, That Mr Abram G. Mayers, have leave to withdraw from the files of credentials, two certificates, deposited by him with the secretary of the Senate, at the time of the organization of the Senate, one from the clerk of the circuit court of Crawford county, the other from the clerk of the circuit court of Sebastian county.

Which was read and adopted.

The certificates therein mentioned, were then delivered by the secretary to Mr Mayers.

No. 2. Mr DeShongh asked, and obtained leave to introduce a bill to be entitled "an act for the relief of William B. Isbell."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 3. Mr Chapman asked and obtained leave to introduce a bill to be entitled "an act amendatory of the revenue laws."

Which was read a first time.

Mr Harley moved to dispense with the rules, and read the bill a second time, which motion, on a division was lost.

The bill was then ordered to a second reading on to-morrow.

No. 4. Mr Maxwell asked and obtained leave to introduce a bill to be entitled "an act to call in the scrip of Marion county."

Which was read a first time and ordered to a second reading on to-morrow.

No. 5. Mr DeShongh asked, and obtained leave to introduce a bill to be entitled "an act amendatory of the several acts, in relation to the sale and price of the 500,000 acre grant."

Which was read a first time, and ordered to a second reading on to-morrow.

Senate bill No. 1, to be entitled "an act to regulate the per diem pay, and mileage of the members of the General Assembly," was read a second time.

On motion of Mr Hampton, it was referred to the committee on ways and means.

The message from the House of Representatives, accompanying the joint resolution of the House, raising a joint select committee, to make settlement with the Secretary of State, for certain public moneys, with the disbursement of which he had been entrusted, was taken up and read.

The resolution accompanying it was also read, and on motion of Mr Berry, concurred in by the Senate.

The chair appointed Messrs. Berry, Izard, and Clarke, the committee on the part of the Senate.

Mr Berry was called to the chair.

Message from the House of Representatives by the clerk:

Mr President:

I am instructed to inform your honorable body that the House of Representatives have concurred in the resolution of the Senate, appointing a committee of three to wait on Gen. E. N. Conway, Governor elect, to ascertain from him at what time it will suit his convenience to be inaugurated as Governor of Arkansas.

The committee on the part of the House of Representatives, are Messrs. Bevens, Coldwell and Maddux.

J. H. HOBBS,
Clerk House Representatives.

Mr President resumed the chair.

On motion of Mr Davidson, the Senate adjourned until to-morrow morning, 10 o'clock.

THOMAS B. HANLEY, *President.*

Saturday, Nov. 6th 1852.

Senate met pursuant to adjournment.

The roll was called by order of the President, and 19 Senators answered to thir names.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Berry introduced the following

RESOLUTION:

Whereas, Divers persons are in the habit of meeting together in groceries ahd other places, and playing at cards, under a pretext of amusement, at the same time it frequently occurs that there is secret betting, which has become annoying to many of the moral and thinking part of the community, and a bad example to the young and rising generation; Therefore, be it

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the law on gaming, so as to remedy the evil above alluded to, and that they report by bill, or otherwise.

Which was read and adopted.

Mr Poindexter introduced the following

RESOLUTION:

Resolved, That the committee on internal improvements be instructed to enquire into the expediency of memorializing Congress, for an appropriation of lands to the State of Arkansas, to aid her in the construction of her several railroad lines, now in contemplation by the citizens of the State, that the attention of the committee be more particularly called to a liberal appropriation of land to the road surveyed by Capt. Barney, in 1849, running from St. Louis via Little Rock to Fulton on Red river.

Which was read and adopted.

The chair laid before the Senate the following communication, from the Treasurer of the State of Arkansas:

Treasurer's Office,
Little Rock, Nov. 1852.

To the Hon. Ppesident,
of the Senate, State of Arkansas.

Sir:—In compliance with the law on that subject, I have the honor of transmitting herewith, the report of the State Treasurer, containing full expenditures and receipts in the State Treasury, from the 1st October, 1850, to 30th September, 1852, inclusive.

With great respect, your ob't serv't,
J. H. CREASE, *Treasurer*.

REPORT.

To the Honorable, the Senate
and House of Representatives of Arkansas:

In compliance with law and custom, I herewith present to your honorable body full detailed statements of the receipts and expenditures of the State Treasury, during the two years ending on the 30th September, 1852; and in compiling these statements, I have ventured to differ from the usual *form* of presenting them, not only from the circumstance of the Treasuer's exhibits being, heretofore, duplicates of those presented at the same time by the Auditor; but that "*tabalar statements*" are more intricate in their construction, and consequently not so *generally* comprehended as the more simple plan, now adopted, of showing the operations of each distinct branch of the revenue.

I have, however, taken care to present the "quarterly„ payments and receipts, so that the several statements will not only strictly conform to the entries made in detail upon the Treasurer's books, but may be compared and checked with the exhibit of the Treasury, now presented by the Auditor.

It will be perceived, by the committee upon the Auditor's and Treasurer's books, that I have bestowed much labor on the books and accounts of this office; but duty compels me to add, that there yet remains much to be done before the well ordered system can be matured, of rendering the two offices of Auditor and Treasurer *checks on each other*, either for errors or omission, or commission. To illustrate this suggestion, I cite but one of many instances which exist, viz: that from neglect to arrange a proper list of all the notes received for sale of the Seminary lands, and of the 500,000 acres of land donated to the State for Internal Improvements, and to *post each partial payment to to the specifiic note for which it was received*, it is now utterly impossible to arrange such a list out of *any entries within this office*, and at the final settlement of any one of these notes, the Treasurer is reduced to one of two alternatives—either to receive as conclusive evidence of payment, the *result* of the labor of the Auditor's clerks (who have been engaged in collating and arranging such a list from the various official receipts from special agents, State Collectors and State Treasurers, which are on file in that office) or to require exhibits of *receipts*, which, from a blind confidence in the infallibility of public officers, very many debtors decline to ask for, and even if obtained, few succeed in preserving them.

It has heretofore been the system (or I should rather practice) to keep the accounts of the Treasury in some ten or twelve detached books, without any general cash book, journal or ledger, wherein the whole might be condensed and balanced, and whereby no serious inconvenience would result from the loss of any one of the many links now composing the chain of accounts.

The present Treasurer has opened a cash book, embracing all receipts and payments of Specie, Treasury Warrants [and County Scrip, since his election to office, and made all entries therein, with a view of carrying out the *consolidation* system, suggested above, should the system be approved; but so far from being enabled to mature the whole witout clerical aid, he has been obliged to expend a small sum of money out of his private means, for assistance in what has already been done, trusting that the Legislature would make appropriation for the expenditure, should the examining committee report such work to have been judicious or necessary.

It being the special duty of the Auditor to make every exhibit and suggestion necessary to form a correct estimate of the amount of revenue required to meet any deficiency now existing in the Treasury, and to defray the expenses of the State government for the next two years, it might be deemed presumptous, or at least superfluous, for me to add any views of my own in in regard to the financial policy of the State.

With great respect,
I am, gentlemen, your obedient servant,
J. H. CREASE, *Treasurer of Arkansas.*
Treasure's Office, Little Rock, 1st Oct., 1852.

INTERNAL IMPROVEMENT FUND.

Statement of *receipts and payments*, by State Treasurer, on account of Internal Improvement Fund, from 1st October, 1850, to 30th September, 1852, viz:

Wm. Adams, Treasurer.	*Receipts.*	*Payments.*
Adams' balance reported on hand 1st October, 1850,	41523 85¾	
Receipts and payments 4th quarter, 1850,	6363 72	2559 45
" " 1st quarter, 1851,	689 74	877 69
	48577 31¾	3437 14
1851, January 13th.		
Balance paid to J. H. Crease, Treas'r,		45140 17¾
Dr.	48577 31¾	48577 31¾
J. H. Crease, Treasurer.		
Balance receiv'd from Wm. Adams, Treas'r,	45140 17¾	
Receipts and payments 1st quarter, 1851,	6410 54	21001 86
" " 2d do do	8339 55	15587 97¾
" " 3d do do	1864 73	10030 19
" " 4th do do	1923 30	10762 82
" " 1st quarter, 1852,	10035 41	2034 42
" " 2d do do	14526 54	1743 10
" " 3d do do	7311 78	14773 49
	95552 02¾	75935 85¾
Balance on hand in Specie,		19616 17
Dr.	95552 02¾	95552 02¾

Which ballance of $19616 17 consists of undrawn balances remaining due to Counties, as enumerated in statement herewith on page 16.	12728 48
And amounts *not yet distributed* to Counties,	6887 69
	19616 17

Added to which there has been paid into the Treasury by Wm. Adams, late Treasurer, (on 31st May, 1852,) upon final settlement of his account, to credit of this fund, $504 10 in Arkansas Bank paper.

J. H. CREASE, *Treasurer of Arkansas.*

Treasurer's Office,
Little Rock, Oct. 1st, 1852.

SEMINARY FUND.

Statement of *Receipts and Payments* by State Treasurer on account of Seminary Fund, from 1st October, 1850, to 30th September, 1852, viz:

WM. ADAMS, Treasurer.	*Receipts.*	*Payments.*	
Adams' balance reported on hand 1st October, 1850,	14,351 10		*Paid on the receipts of county Treasurers.*
Receipts and payments 4th quarter, 1850,	2,085 40	4,608 89	
" " 1st " 1851,	345 24	1,045 20	
1851, January 13th.	16,781 74	5,654 09	
Balance paid J. H. CREASE, Treasurer,		11,127 65	
Dr.	16,781 74	16,781 74	
J. H. CREASE, Treasurer.			
Balance received from Wm. Adams Treasurer,	11,127 65		1,364 31 T.re.
Receipts and payments 1st quarter, 1851,	3,435 09	1,744 85	380 54 War.
" " 2d. do. do.	2,010 89	2,704 15	
" " 3d do. do.	667 20	1,632 66	
" " 4th do. do.	2,573 80	2,817 57	
" " 1st quarter, 1852.	1,308 21	2,254 78	
" " 2d do. do.	1,036 15	1,441 56	
" " 3d do. do.	560 51	492 34	
	22,719 50	13,087 91	
Balance on hand 1st October, 1852,		9,631 59	
Dr.	22,719 50	22,719 50	

Which sum of $9,631 59 consists of

Undrawn balances due to counties as narrated in statement herewith on page 63	9,071 08
And amount *not yet distributed* to counties,	560 51
	$9,631 59 in specie.

Of the above *payments* on account of Seminary Fund 5,654 09
and 1,364 31

[say 7,018 40 was paid on county Treasurers' receipts,

and residue, say 11,723 60 paid on Auditor's Warrants.

J. H. CREASE, *Treasurer*
of Aarkansas.

Treasurer's Office,
Little Rock, 1st Oct, 1152.

REVENUE FROM SHERIFFS.

Statement of Revenue received from Sheriffs for State tax, from 1st October, 1850, to 30th September, 1852.

Wm. Adams, Treasurer.	*Specie.*	*Other funds.*	*Total amount.*
Adams rev'd in 4th qr. 1850 in specie	34160 76		34160 76
" do in Treasury Warrants		27896 74	27896 74
" do Interest on do		590 38	590 38
" do Old State scrip 30 00			
" do Interest on same 25 20		55 20	55 20
Adams in 1st qr., 1851, in specie,	9441 04		9441 04
" do in Treasury Warrants		633 89	633 89
Total receipts by Wm. Adams,			72778 01

J. H. Crease, Treasurer.	*Treasury War'ants*	*Specie.*	*Total.*
Crease received during 1st qr. 1851	525 23		525 23
" " 2d do	751 56	1 18	752 74
" " 3d do	8168 99	1 61	8170 60
" " 4th do	49748 33	20024 75	69773 08
" " 1st qr. 1852			*Nothing.*
" " 2d do	1684 17		1684 17
" " 3d do	373 54	1 50	375 04
Total received by Crease	61251 82	20029 04	81280 86

Note.—The Specie is carried to "General Revenue Account," and the Warrants to account "Warrants issued and redeemed." The interest on Treasury Warrants and Scrip, paid by Wm. Adams, is absorbed in Auditor's account and the piece of old State Scrip, cancelled and on hand.

J. H. CREASE, *Treasurer of Arkansas.*

Treasurer's office,
Little Rock, 1stOct., 1852.

REVENUE FROM SALES BY AUDITOR.

Statement of the amount received by State Treasurer for State and County tax upon lands redeemed and sold, at the Auditor's office, from 1st October, 1850 to 30th September, 1852.

	STATE TAX.		CO. TAX.		
	Specie.	*War'nts.*	*Specie.*	*Co. scrip.*	TOTAL.
Adams received during 4th quarter, 1850,	50 53	4 15	43 49		[illegible] 97
	Specie.	*War'nts.*	*Specie.*	*Co. scrip.*	*Total.*
J. H. Crease, Trea's, rec'vd during 1st qr., 1851,	44 69	663 70	156 53	89 80	954 72
2d do "	6 28	122 63	49 77	15 79	194 47
3d do "	16 71	195 85	39 03	82 57	334 16
4th do "	50 46	154 31	72 72	52 35	329 84
1st do 1852,	29 02	1401 89	247 44	192 43	1870 78
2d do "	6 06	54 06	21 07	17 49	98 68
3d do "	14 28	34 50	17 65	9 50	75 93
	167 50	2626 94	604 21	459 93	3858 58

Note.—The Specie received for State tax is carried to "General Revenue Account," and the Warrants to accounts "Warrants Issued and Redeemed," and the County tax to credit of the several counties for which it was received.

J. H. CREASE, *Treasurer of Arkansas.*

Treasurer's Office,
Little Rock, 1st Oct., 1852.

STATEMENT OF ARKANSAS BANK NOTES,

Remaining in the State Treasury.

1851, Jan. 13, Rec'd from W. Adams, Treasurer,		2,000 79
1852, March 1, do. of Wm. E. Woodruff, by Trapnall, Att'ny.		3,755 00
" May 31 Rec'd. of Wm. Adams, as per receipt,		749 21
		6,505 00
Deduct amount paid out on Auditor's Warrants, viz:		
1851, Dec. 31, Auditor's Warrants, No. 388 to R. C. Byrd,	350 00	
1852, April 23 do. No. 114, Treasurer Pulaski county,	33 54	383 54
Balance,		6,121 46

Of which the sum of 504 10 belongs to Int'l. Imp't. Ac't.
245 11 to General Revenue A't.
and 5,372 25 remains unappropriated.

6,121 46

J. H. CREASE,
Treasurer of Arkansas,

Treasurer's Office,
Little Rock, Ark., 1st Oct. 1852.

STATEMENT OF TREASURY WARRANTS ISSUED.

TREASURY WARRANTS

Outstanding 1st October, 1850, and of Warrants, issued by the State Treasurer from that period to 30th September, 1852.

Wm. Adams, Treasurer.			
Treasury Warrants, reported outstanding, 1st October, 1850,		16,862 30	
do.	Issued by W. Adams, 4th quarter, 1850,	20,101 30	
do.	Issued by W. Adams, 1st quarter, 1851, (to 13th Jan.)	8,812 45	
			45,776 05
J. H. Crease, Treasurer.			
Treasury Warrants outstanding 13th Jan. 1851,		9,116 62	
do.	issued by J. H. Crease, 1st quarter, 1851, - - -	57,879 41	
	2d do. " - -	15,161 05	
	3d do. " - -	7,833 50	
	4th do. " - -	17,031 54	
	1st do. 1852, - -	6,147 60	
	2d do. " - -	9,332 44	
	3d do. " - -	10,194 89	
			132,697 05
1852, Oct. 1st, Balance outstanding, as per Contra,			58,833 43

J. H. CREASE, *Treasurer of Arkansas.*

Treasurer's Office, Little Rock, Ark., 1st Oct. 1852.

STATEMENT OF TREASURY WARRANTS REDEEMED.

TREASURY WARRANTS REDEEMED

By State Treasurer, from 1st Oct., 1850, to 30th Sept., 1852, viz:

	Specie.	*Sheriffs.*	*Tax'sfr'm Auditor.*	*Total.*
WM. ADAMS, Treasurer.				
Treasury Warrants redeemed 4th qr., 1850,	6,496 72	27,896 74	4 15	34,397 61
do 1st qr., 1851,	1,627 93	633 89		2,261 82
	8,124 65	28,530 63	4 15	36,659 43
Balance outstanding 13th January, 1851,				9,116 62
				45,776 05
J. H. CREASE, Treas'r.				
Treasury Warrants redeemed 1st qr., 1851,	5,391 43	525 23	663 70	6,580 36
do 2d qr., 1851,	135 00	751 56	122 63	1,009 19
do 3d qr., 1851,	140 70	8,168 99	195 85	8,505 54
do 4th qr., 1851,	4,317 73	49,748 33	154 31	54,220 37
do 1st qr., 1852,			1,401 89	1,401 89
do 2d qr., 1852,		1,684 17	54 06	1,738 23
do 3d qr., 1852,		373 54	34 50	408 04
	9,984 86	61,251 82	2,626 94	73,863 62
Balance outstanding Treasury Warrants,				58,833 43
				132,697 05

Wm. Adams also deposited, toward paying the balance of his account, $400 65 in Treasury Warrants, which have not yet been entered or cancelled.

J. H. CREASE, *Treasurer of Arkansas.*

TREASURER'S OFFICE,
Little Rock, Ark., 1st Oct., 1852.

Statement of AUDITOR'S WARRANTS paid by State Treasurer from 1st Oct., 1850, to 30th Sept., 1852.

Paid in Specie	Auditor's Warrants drawn on account of			Total.
	General Revenue.	Internal Improv't.	Seminary.	
By **Wm. Adams**, Treas., 4th qr. 1850,	13,544 47	2,559 45		16,103 92
" part 1st qr. 1851,	17,196 12	877 69		18,073 81
J. H. **Crease**, Trea., bal. 1st qr. 1851,		21,001 86	380 54	21,382 40
2nd do "		15,587 97¼	2,704 15	18,292 12¼
3rd do "		10,030 19	1,632 66	11,662 85
4th do "		10,764 82	2,217 57	13,582 39
1st qr. 1852,		2,034 42	2,254 78	4,289 20
2nd do "		1,743 10	1,441 56	3,184 66
3rd do "		14,773 49	492 34	15,265 83
Total paid in Specie,	30,740 59	79,372 99¼	11,723 60	121,837 18¼
Auditor,s Warrants redeemed with Treasurer's Warrants, viz:				
By **Adams** 4th qr., 1850, $20,101 30				
do 1st " 1851, 8,812 45				
Crease, 1st qr., 1851, 57,879 41				
2nd do " 15,161 05				
3rd do " 7,833 50				
4th do " 17,031 54				
1st qr., 1852, 6,147 60				
2nd do " 9,332 44				
3rd do " 10,194 89				
Total in Treasury Warrants,	152,494 18			
Amount paid in Arks. Bank Notes,	383 54			

And the additional sum of $7,018 40 has been paid in specie, upon the *receipt of County Treasurers* on account of Seminary fund, as exhibited on page 49.

J. H. CREASE, *Treasurer of Arkansas.*

Treasurer's Office,
Little Rock, 1st Oct., 1852.

Note.—Of Auditor's Warrants drawn to meet payment of the several "appropriations" *which are particularly detailed in Table marked A. of Auditor's Report.*

The amount redeemed by Treasurer in specie on account of Ordinary Revenue, is	30,740 59	
In Treasury Warrants on same account,	152,494 18	
In Arkansas Bank Notes, same,	383 54	
In specie on account of Internal Improvement Fund,	79,372 99¾	
" do. do. Seminary Fund,	11,723 60	
Total amount paid on Audtior's Warrants,		274,714 90¾
Add Specie paid on account of the Seminary Fund, upon *receipts of county Treasurers* previous to operation of the act requiring payment to be made on Auditor's Warrants,		7,018 40
Total amount paid by Treasurer,		281,733 30¾
Amount of the Auditor's statement,		281,701 80¾
Difference,		31 50
Which arises from the Treasurer having redeemed, during the *present fiscal year*, Warrant No. 124, in favor of W. C. Trice, included in Auditor's Report, 1st Oct., 1850,	61 50	
And Warrant No. 255, issued to N. B. Burrow, and included in the Auditor's present Report, which is *not yet redeemed* by the Treasurer,	30 00	31 50

In comparing the foregoing list of expenditures with the Auditor's Table of "Appropriations," it will be observed that instead of dividing the vouchers under the several heads in said table, (all relating to the Seminary and Internal Improvement Fund), the Treasurer has deemed it more advisable to consolidate and show the payments made on each account, under its appropriate head,—thus. The Auditor's list of payments under the heads designated in the following numbers, viz:

No. 35	amount	500 50	And No. 37	amount	17,105 84
" 36	"	76,162 84 3-4	" 39	"	153 16
" 38	"	537 70	" 42	"	483 00
" 40	"	276 95	" 44	"	1,000 00
" 43	"	845 50	Amounting to		18,742 00
" 46	"	1,000 00			

Amounting to $79,372 99 3-4

Are comprised, and agree with the Treasurer's Exhibit of expenditure, viz:

$ 3,437 14
75,935 85 3-4
——— say 79,372 99 3-4 on Internal Improvement Fund,
and 5,654 09
13,087 91
——— 18,742 00 on Seminary Fund.

J. H. CREASE, *Treasurer of Arkansas.*

Statement of PAYMENTS TO COUNTIES, made upon drafts of County Treasurers for the county tax received by the State Treasurer on land sold and redeemed by the State Auditor; also of payments to individuals (on Auditor's order) to refund the amount of tax paid by them on lands improperly sold.

J. H. CREASE, TREASUER,	Specie.		County Scrip.	
Paid Treasurer's drafts during 1st quarter, 1851,	83	56		
" 2nd do "	134	63		
" 3rd do "	20	58		
" 4th do "	294	07		
" 1st quarter 1852,	30	66	46	20
" 2nd do "	107	21	37	85
" 3rd do "	38	12	60	49
Refunded to individuals in 1st quarter 1851,			9	24
do " 2nd do "			4	76
do " 1st quarter 1852,	2	64		
do " 2nd do "	2	80		
do " 3rd do "	38	50		
Total amount of payments	752	71	158	54
Leaves Balance due to Counties - -	593	57	301	39
	1,346	28	459	93

JOHN H. CREASE, *Treasurer of Arks.*

Treasurer's Office,
Little Rock, 1st Oct., 1852. }

Statement of RECEIPTS FOR COUNTIES, being for the balance reported on hand 1st Oct., 1850, and for County tax, received by State Treasurer, on lands sold and redeemed at the Auditor's Office from 1st Oct., 1850, to 30th Sept., 1852, viz:

Wm. Adams, Treasurer, reported the balance on hand 1st Oct., 1850,	982 26	
And **Wm. Adams** received during 1st quarter, 1850, for County taxes,	43 29	
		1,025 25
Deduct payment made by **Wm. Adams** to County Treasurers during the 4th quarter, 1850,		283 48
Balance paid over to J. H. Crease Treas.,		742 07

J. H. Crease, Treasurer, has received,	Specie.	Co. Sc'p.
Balance (as above) from Wm. Adams in Specie,	742 07	
Rec'd for Co. taxes in 1st qr., 1851, as per rec't,	156 53	89 80
" do " 2nd do " "	49 77	15 79
" do " 3rd do " "	39 03	82 57
" do " 4th do " "	72 72	52 35
" do " 1st qr. 1852, "	247 44	102 43
" do " 2nd do " "	21 07	17 49
" do " 3rd do " "	17 65	9 50
Total am't J. H. Crease, Treasurer Receipts,	1,346 28	459 93
do do payment, (see preceding list,)	752 71	158 54
Balance due to Counties 30th Sept., 1852,	593 57	301 39

J. H. Crease, *Treasurer.*

Treasurer's Office,
Little Rock, 1st Oct.; 1852. }

STATEMENT OF THE GENERAL REVENUE FUND,

Which is applicable to the redemption of Treasury Warrants.

DR. WM. ADAMS, Treasurer, viz:		
Specie balance reported on hand 1st Oct., 1850	2,288 84	
Specie received from sheriffs from 1st Oct., to 13 January, 1251,	43,601 80	
Specie for State tax on lands sold and redeemed by Auditor,	50 53	
Specie received for sales of Digest	297 03	
		46,238 20
CR. WM. ADAMS, Treasurer, for		
Auditor's Warrants (drawn for account Gen'l Revenue,) which were redeemed with Specie, from 1st Oct., 1850 to 13th January, 1851,	30,740 59	
Treasury Warrants redeemed with Specie, same period,	8,124 65	
Interest on Treasury Warrants paid by ADAMS,	414 16	
1851, January 13th, amount Specie applicable to the redemption of Treasury Warrants paid over to J. H. CREASE	6,313 04	
		45,592 44
Leaving a balance due of,		645 16
And for which WM. ADAMS deposited $400 65 in Treasury Warrants, and $245 11 in Arkansas Bank Notes,		645 16

J. H. CREASE, Treasurer, Dr. for		
Specie paid over by WM. ADAMS, Treasurer, per receipt,	6,313 04	
do received from sheriffs, from 13th January 1851, to 30th September, 1852,	20,029 04	
do received for State tax on lands redeemed and sold by Auditor,	167 50	
do received from Major FLOURNOY for mileage returned,	18 00	
do received from A. Sappington for expenses on a fugitive slave, confined in the penitentiary,	149 50	
		26,677 08
Credit J. H. CREASE, Treasurer for amount of		
Treasury Warrants redeemed by him in Specie, as per list, from 13th January, 1850, to 31st December, 1851,	9,984 86	
Balance on hand in Specie,	16,692 22	
	26,677 08	

Ballance, $16,692 22, in Specie,
and 645 76 in Treasury Warrants and Arkansas Bank Notes rec'd from ADAMS.

J. H. CREASE, *Treasurer.*

Treasurer's Office,
Little Rock, 1st Oct., 1852.

SYNOPSIS OF BALANCE IN THE STATE TREASURY.

Balance of Seminary fund due in Specie,		9,631 59
do Internal Improvement fund, received in Specie	19,616 17	
do " in Arkansas Bank notes	404 10	20,120 27
General Revenue fund for the redemption of Treasury Warrants:		
Amount of Specie on hand,	16,692 22	
State Treasury Warrants,	400 65	
Arkansas Bank Notes,	245 11	17,337 98
Amount of Arkansas Bank Notes remaining, unappropriated in the State Treasury,		5,372 25
Balance due to Counties in Specie,	593 57	
and in County Scrip,	301 39	894 96
Escheats paid over in Specie, by Wm. Adams, Treasurer, to the credit of the School Commissioners of the counties, of Pulaski, 21 66; Yell, 40 99; and Lawrence 6 cts.		62 71
Monument Fund received from J. J. Hammett, sheriff of Jefferson county,		45 00
	Dr.	53,464 76
There is also in the State Treasury one P's, Old State Scrip, received from Wm. Adams, Treasurer,	30 00	
Am't redeemed Treasury Warrants turned over by Wm. Adams,	2,645 86	
Am't Treasury Warrants redeemed by J. H. Crease, Treasurer,	73,863 62	
	76,539 48	

J. H. CREASE, *Treasurer of Arkansas.*

Treasurer's Office,
Little Rock, 1st Oct., 1852.

Statement of the DISTRIBUTION and PAYMENT of the INTERNAL IMPROVEMENT FUND, showing the total amount distributed to each county, (under Distribution Act, passed 30th December, 1848,) up to, and including the 7th and last distributions made on 1st July, 1852, the total amount drawn and the balance remaining undrawn by each county, on the 30th September, 1852.

Counties.	*Total distributed to 1st July, 1852.*	On 30th Sept., 1852.	
		Am't paid.	*Balance undrawn.*
Arkansas,	1,835 34¾	1,325 47¾	509 87
Ashley,	1,835 33	1,384 64	450 69
Bradley,	1,835 33	1,325 46	509 87
Benton,	1,835 33	1,384 64	450 69
Calhoun	1,003 04	493 17	509 87
Carroll	1,835 34	1,325 47	509 87
Crawford,	1,835 33	1,835 33	
Clark,	1,835 34	1,835 34	
Chicot,	1,835 34	1,325 47	509 87
Crittenden,	1,835 34	1,384 65	450 69
Conway,	1,835 34	1,384 65	450 69
Dallas,	1,835 34	1,835 34	
Desha,	1,835 34	1,835 34	
Drew,	1,835 35	1,835 35	
Franklin,	1,835 35	1,835 35	
Fulton,	1,835 35	1,835 35	
Green,	1,835 35	1,325 48	509 87
Hempstead,	1,835 36	Nothing dr.	1,835 36
Hot Spring,	1,835 36	1,835 36	
Independence,	1,835 36	1,835 36	
Izard,	1,835 36	1,325 48	509 88
Jackson,	1,835 36	1,835 36	
Jefferson,	1,835 36	1,835 36	
Johnson,	1,835 35	1,835 35	
Lafayette,	1,835 37	1,325 49	509 88
Lawrence,	1,835 37	1,384 67	450 70
Madison,	1,835 35	1,384 65	450 70
Amount Forward.	48,722 08¾	40,103 58¾	8,618 50

Counties.	*Total distributed 1st July,* 1852.	On 30th Sept., 1852.	
		Am't paid.	*Balance undrawn.*
Marion, - - - - -	1,835 35	1,325 47	509 88
Mississippi, - - - - -	1,835 36	1,384 66	450 70
Monroe, - - - - -	1,835 36	1,835 36	
Montgomery, - - -	1,835 36	1,835 36	
Newton, - - - - -	1,835 36	1,835 36	
Ouachita, - - - - -	1,835 36	1,835 36	
Prairie, - - - - -	1,835 35	1,835 35	
Perry, - - - -	1,835 36	1,835 36	
Phillips, - - - -	1,835 37	1,384 67	450 70
Pike, - - - - - -	1,835 36	1,835 36	
Poinsett, - - - - -	1,835 35	1,835 35	
Polk, - - - - - -	1,835 33	1,835 33	
Pope, - - - - -	1,835 34	1,057 78	777 56
Pulaski, - - - -	1,835 35	1,835 35	
Randolph, - - - -	1,835 34	1,835 34	
St. Francis, - - - -	1,835 34	1,835 34	
Saline, - - - - -	1,835 34	1,835 34	
Sebastian, - - - - -	777 55	777 55	
Searcy, - - - - -	1,835 34	1,835 34	
Sevier, - - - - - -	1,835 34	1,835 34	
Scott, - - - - -	1,835 34	1,325 47	509 87
Union, - - - - - -	1,835 35	1,384 65	450 70
Van Buren, - - - -	1,835 33	1,835 33	
Washington, - - -	1,835 34	1,384 64	450 70
White, - - - - -	1,835 34	1,835 34	
Yell, - - - - - -	1,835 34	1,325 47	509 87
Am't from last page, - -	48,722 08¾	40,103 58¾	8,618 50
Total.	95,383 33¾	82,654 85¾	12,728 48

$6,887 69 Collected since 1st July, 1852 but not yet distributed.

J. H. CREASE, *Treasurer*.

TREASURER'S OFFICE,
Little Rock, 1st Oct., 1852.

Statement of the DISTRIBUTION and PAYMENT of the SEMINARY FUND, showing the total amount distributed to each county, (under the Distribution Act, 5th January 134 up to, and including the 7th distribution, made on 1st July, 1852; the total amount drawn, and the balance remaining undrawn on the 30th September, 1852.

Counties.	*Total distributed to 1st July,* 1852.	On 30th Sept., 1852	
		Am't paid.	*Balance undrawn*
Arkansas,	383 39	Nothing.	383 39
Ashley,	119 95	Nothing.	119 95
Bradley,	612 10	453 59	158 51
Benton,	850 74	601 92	248 82
Calhoun, - - New County,	no census	yet taken.	
Carroll,	966 82	619 12	347 70
Crawford,	1,369 90	506 42	863 48
Clarke,	687 81	645 61	42 20
Chicot,	362 92	332 54	30 38
Crittenden,	553 37	350 66	202 71
Conway,	705 74	599 49	106 25
Dallas,	722 24	227 76	494 48
Desha,	421 44	373 59	47 85
Drew,	202 75	202 75	
Franklin,	801 42	801 42	
Fulton,	451 36	301 86	149 50
Green,	612 64	576 72	35 92
Hempstead,	1,082 43	Nothing.	1,082 43
Hot Spring,	499 49	461 49	38 00
Independence,	1,140 14	1,060 59	79 55
Izard,	543 23	448 25	94 98
Jackson,	657 34	626 34	31 00
Jefferson,	580 56	470 49	110 07
Johnson,	953 11	807 74	145 37
Lafayette,	220 15	Nothing.	220 15
Lawrence,	1,250 17	1,185 83	64 34
Madison,	1,027 19	889 04	138 15
Am't forward.	17,778 40	12,543 22	5,235 18

Counties.	*Total distributed to 1st July,* 1852.	ON 30th SEPT., 1852.	
		Am't paid.	*Balance undrawn.*
Marion,	484 01	Nothing.	484 01
Mississippi,	282 52	176 36	106 16
Monroe	395 77	286 50	109 27
Montgomery,	351 10	323 56	27 54
Newton,	371 54	317 70	53 84
Ouachita,	1,037 66	850 41	187 25
Prairie,	141 77	117 13	24 64
Perry,	234 29	205 48	28 81
Phillips,	857 21	Nothing.	857 21
Pike,	265 75	169 48	96 27
Poinsett,	507 52	349 86	157 66
Polk,	246 76	246 76	
Pope,	786 22	663 39	122 83
Pulaski,	943 41	943 41	
Randolph,	695 81	651 76	44 05
St. Francis,	850 33	786 43	63 90
Saline,	739 28	739 28	
Searcy,	398 78	268 90	129 88
Sebastian - New County,	No census	Yet taken.	
Sevier,	738 21	506 27	231 94
Scott,	601 20	569 50	31 70
Union,	1,326 99	1,097 42	229 57
Van Buren,	532 18	382 77	149 41
Washington,	2,020 26	1,724 78	295 48
White,	511 67	194 39	317 28
Yell	670 37	583 17	87 20
Amount from last page,	17,778 40	12,543 22	5,235 18
Total,	33,769 01	24,697 93	9,071 08

$560 51 collected since 1st July, 1852, but not yet distributed.

J. H. CREASE, *Treasurer.*

Treasurer's Office,
Little Rock, 1st Oct., 1852.

The communication accompanying the report of the president was read.

On motion of Mr Berry, the reading of the report was dispensed with.

On motion of Mr Harley, the communication and report were referred to the committee on auditor's and treasurer's books.

On motion of Mr Izard, the report of the auditor of public accounts was taken up; the reading of it dispensed with, and referred to the committee on auditor's and treasurer's books.

Mr Berry, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom the petition of sundry citizens of the town of Huntsville, in the county of Madison, was referred, praying that said town should be incorporated, have had the same under consideration, and have instructed me to return the same with the accompanying bill and recommend its passage.

BERRY, *Chairman.*

Which report was read and received.

No. 6. The bill accompanying it to be entitled "an act to incorporate the town of Huntsville," was read a first time, and ordered to a second reading on Mondoy next.

Mr Rose, from a select committee, made the following

REPORT.

Mr President:

The select committee to whom was referred the petition of Bartlett Zachary, of Jackson county, have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage.

ROSE, *Chairman.*

Which report was read and received.

No. 7. The bill accompanying it to be entitled "an act to change the name of Ellen Kimbro to the name of Ellen Zachary, and to constitute her a lawful heir to the estate of Bartlett Zachary," was read a first time, and ordered to a second reading on Monday next.

Mr Harley, from a select committe, made the following

REPORT:

Mr President:

The select committee, appointed to prepare and propoie rules for the government of the Senate, and to act in concert with such committee as may be appointed on the part of the House of Representatives, to prepare joint rules for the action of the two Houses, have had the subject under consideration, and have instructed me to report "Rules of the Senate," adopted at its last session, with the following amendments:

Strike out the 36th rule, and insert in lieu thereof, the following:

36. Every order, resolution, or vote, to which the concurrence of the House of Representatives shall be necessary, shall be read

and laid upon the table one day after its introduction, unless otherwise ordered by a vote of two thirds of the Senate.

Amend the 7th article of the 43d rule by adding, "for which provision notice has been given.

The committee acting jointly with the committee on the part of the House of Representatives, have also instructed me to report and recommend the adoption of the joint rules, governing the General Assembly at its last session, without amendment.

B. C. HARLEY, *Chairman.*

RULES OF THE SENATE.

1. The president shall take the chair every day at the hour to which the Senate shall have been previously adjourned; and on taking his seat, call the Senate to order; and if there be a quorum present, proceed to business.

2. When a majority of the members present shall deem it necessary, they shall have power to send the sergeant-at-arms, or any other person or persons, to compel the attendance of absent members.

Each morning, as soon as there be a quorum present, the president shall cause the secretary to read the journal of the preceding day, that the same, if there be any errors, may be amended.

4. No member shall absent himself from the Senate, without leave, unless he be sick or unable to attend.

5. Every member, when he speaks, shall address the president, standing in his place; and shall avoid personalities.

6. No member shall speak more than twice to any on question, motion, resolution or bill, without leave of the Senate: except a bill be amended, and then he may speak to the amendments.

7. When two members rise at the same time, the president shall name the person to speak; but in all cases, the member who shall first rise and address the president, shall speak first.

8. When a member shall be called to order by the president or a senator, he shall sit down, unless permitted to explain; and every question of order shall be decided by the president without debate, subject to an appeal to to the Senate; and the president may call for the voice of the Senate on any question of order. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; in case any member object, he shall not proceed without leave of the Senate.

9, If the member be called to order for words spoken in debate, the exceptionable words shall be immedintely taken down in writing, that the president may be better enabled to budge whether they are exceptionable or not.

10. No person shall call for the ayes and nays after the question has been decided.

11. No member in the minority of any vote declared, shall have the right to move for a reconsideration thereof; but a member who votes in the majority, may move for a reconsideration; *Provided*,

Said move is made that day or the day following.

12. Any member may excuse himself from serving on a committee, if, at the time of his appointment, he shall be a member of more than two committees.

13. It shall be the duty of the president to preserve order, and he shall have the privilege to rise and speak to all questions of order, in preference to any other member of the Senate, and shall decide all questions of order subject to an appeal to the Senate.

14. Every member present, when a vote upon any question is taken, shall vote, unless he be excused by the Senate, or be interested.

15. When a motion is made and seconded, it shall be reduced to writing, if desired by the president, or any member of the Senate; if not in writing, it shall be stated to the Senate by the president; if in writing, it shall be read aloud by the secretary, previous to the vote being taken thereon.

16. When a motion is stated by the president, or read by the secretary, it shall be deemed to be in possession of the Senate, but may be withdrawn at any time before a decision or amendment, by the consent of the Senate.

17. A motion to adjourn, shall always be in order, (unless in committee of the whole,) and the motion to lie on the table shall be decided without debate.

18. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

19. When a question is before the Senate, no motion shall be received, unless it be for the previous question, to postpone, commit, amend the main qustion, or adjourn. All questions shall be decided in the order in which they are moved, and in the filling of blanks, the largest sum and longest time shall be first put.

20. All questions shall be put in this form, to-wit: "You who are of the opinion, [as the case may be,) say Yea: of a contrary opinion, say No;" and in doubtful cases, the president may direct, or any member present may call for, a division.

21. The previous question shall be put in these words, to-wit: "Shall the main question be now put?" It shall be admitted only upon the demand of two members, and, until decided, shall preclude all amendments and further debate on the main question.

22. Any member shall have the right to call for a division of the question; but the Senate shall have the right to determine whether the question admits of division or not.

23. In all cases of ballot by the Senate, and on questions where the yeas and nays are called for, the president shall vote, he being the last in voting.

24. All committees shall be nominared by the presiden, unless otherwise determined by the Senate; in which case they shall be selected by ballot, and if there are not a sufficien number elected on first ballot, the Senate shall proceed to a second ballot, and pro-

ceed to ballot until these are a sufficient number selected, the number to be determined in such case by the Senate. Any member shall have the right to move that a senator that he believes would be an advantage to a committee, be added thereto; but the Senate shall have the right to determine whether he be added or not.

25. No committee shall sit during the sitting of the Senate, without special leave first had and obtained from the Senate.

26. In forming a committee of the whole, the president shall leave the chair, and appoint a chairman to preside.

27. The rules of proceeding in the Senate, shall be observed in committee of the whole, as far as they may be applicable; but no member's name shall be entered on the journal, who moves to amend a bill in committee of the whole; nor shall the yeas and nays be called for and entered upon the journal, for it is but the proceeding of [illegible] committee, and not the Senate. No previous question can be put in this committee; nor can this committee adjoure as others may; but if their business is unfinished, they rise on a question, [illegible] Senate is resumed, and the chairman reports, that the committee of the whole, have, according to order, had under consideration, such a motion, and have made progress therein; but not having time to go through the same, have directed him to ask leave to sit again; whereupon the question is put, upon their having leave, and the time when the Senate will again resolve itself into the committee of the whole; but if the committee have completed the business referred, a member moves that the committee arise, and that the chairman report the proceedings of the committee to the Senate. The chairman then states that the committee have completed the business referred to them, and that he is ready to make report, when the Senate shall think proper to receive it.

28. In all cases, the whole bill, resolution, paper, or address, is to be read, and the Secretary shall read it by paragraphs, pausing at the end of each, for amendments, until the whole has been read; the question is put, on the whole agreeing to it, as amended or unamended. The bill not to be interlined, or defaced, but all amendments, noting the page and line, shall be duly entered by the secretary, on a separate paper, as the same may be agreed to by the committee, and so reported to the Senate; after report, the bill shall again be subject to debate, and amended by clauses, before a question to engross it be taken.

20. When a vote is once passed in this committee, it cannot be altered but by the Senate, their votes being binding on themselves.

30. A majority of all the committees constitutes a quorum to do business, and have full power over the paper or bill referred, except, they cannot change the title or subject.

31. Every bill originating in the Senate, shall be introduced by the leave of the Senate, or by the order of the Senate. And every bill so reduced, shall be read on three different days, unless two-thirds of the Senate, when the same is pending, shall suspend the

rules thereof; nor shall any bill pas the Senate without having been read three several times.

32. The first reading of the bill shall be for information; and, if objection shall be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, and the question to reject be lost, the bill shall go to its second reading without a question.

33. Upon the second reading of the bill, the president shall state that it is ready for commitment or engrossing; and, if committed, then the question shall be, whether to a select committee, a standing committee, or a committee of the whole. If to the committee of the whole, then the Senate shall determine on what day; but if the bill be ordered to be engrossed, the Senate shall appoint the day, upon which it shall be read a third time.

34. A bill, after commitment on report thereof, may be committed at any time after its passage.

35. If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the Senate.

36. Every order, resolution or vote, to which the concurrence of the House of Representatives shall be necessary, shall be read to the Senate, and laid on the table on a day preceding that in which the same shall be moved, unless the Senate shall otherwise expressly allow.

37. No standing rules of the Senate shall be revised or amended, without one day's notice be given of the motion thereof. And then not without the concurrence of two-thirds of the Senate.

38. Whenever any officer, civil or military, shall be appointed by a join tor concurrent vote of both Houses, or by a separate vote of the Senate, the vote shall be taken *vive voce*, and entered in the journal.

39. Whilst the president is putting any question, or addressing the Senate, no seanator shall walk out or across the Senate; nor whilst a member is speaking, pass between him and the president. No person shall be permitted to smoke within the bar of the Senate, or spit tobacco on the carpet or floor of the chamber, during the session of the Senate.

40. The person first named on each committee, shall be the chairman of that committee, until otherwise determined by the committee, and the secretary shall deliver all papers referred to that committee to him.

41. All the preceedings of the Senate, when not acting in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true accurate account of the proceedings, but every vote of the Senate shall be entered upon the journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall also be inserted in the journal.

42. The president of the Senate shall, at the commencement of

each session, appoint the following committees, to consist of such number as he or the Senate may deem necessary on each committee, with leave to report by bill or otherwise, to-wit:

On the Judiciary;
On the Auditor and Treasurer's Books;
On the Militia;
On Banks;
On Education;
On Internal Improvements;
On Ways and Means;
On Counties and County Lines;
On Agriculture;
On apportionment, (every four years);
On Public Roads;
On Enrolled Bills;
On Elections;
On Public Printing:
On the Penitentiary;
On Claims;
On Memorials;
On Public Buildings;
On Public Expenditures;

43. The business of the day.

1. The Journal is read.
2. Petitions from counties will be in order.
3. Memorials will be in order.
4. Motions and resolutions will be in order.
5. Reports from standing committees will be in order.
6. Report from select committees will be in order.
7. The introduction of bills.
8. Bills from the House of Representatives, and those introduced on leave, which have been read a first time, and a second time.
9. Engrossed bills on the third reading are put upon their passage.

44. On a motion to strike out and insert, it shall not be in order to move for a division of the question, but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion, simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion, to strike out and insert.

45. It shall always be in order for the committee on enrolled bills to report.

46. Messages may always ba introduced except while a question is being put, or while the yeas and nays or being taken.

JOINT RULES OF THE SENATE

AND

HOUSE OF REPRESETATIES.

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1. When the business requires the attendance of the Senate in the Representative chamber, they, with the secretary, shall be conducted within the bar and there seated.

2. When a message shall be sent by the Senate to the House of Representatives, it shall be announced at the door by the doorkeeper, be respectfully communicated to the speaker by the person by whome it may be sent, and a copy thereof deposited on the clerk's table.

3. The same ceremony shall be observed when a message is sent by the House of Representatives to the Senate.

4. Messages from the Senate to the House of Representatives shall be conveyed by the secretary of the Senate, and messages from the House of Representatives to the Senate shall be conveyed by the clerk of the House.

5. After a bill shall have passed both Houses, it shall be enrolled by the appropriate officer in the House where it originated.

6. When bills are enrolled they shall be examined by a joint committee, consisting of three members from the Senate and three from the House of Representatives, to be appointed as a standing committee for that purpose, whose duty it shall be to compare the enrolled with the engrossed bill as passed by the two Houses, correct any errors that may be discovered, and report forthwith to their respective Houses, stating such errors as may have been corrected by them.

7. After examination and report, each bill shall be signed by their respective Houses, first by the speaker of the House of Representatives, and then by the president of the Senate.

8. After a bill shall have been signed by the speaker of the House of Representatives and the president of the Senate, it shall be delivered by a joint committee of enrollment to the Governor, and they shall report to each House respectively, the day on which such bill or bill were delivered, which report shall be entered on the journals.

9. When amendments are proposed to a bill and dissented to in the other, if either House requests a conference and appoints a committee for that purpose, the other shall also appoint a committee for the same purpose; and such committees shall, at a convenient time, to be named by the chairman, meet and state to each

other, verbally or in writing, the reasons for and against the amendment, and report to their respective Houses the result of their deliberations.

10. Committees of conference at the request of either House, may be appointed on any disagreement of opinion arising between the two Houses.

11. When a bill or resolution which shall have passed in one House, shall be rejected in the other, notice thereof shall be given to the House in which the same originated.

12. All bills, memorials, or resolutions, ordered to be engrossed, shall be engrossed by the proper officer, in the House in which it originated.

Mr Burrow, from a select joint committee, made the following

REPORT:

Mr President:

The joint committee of the two Houses of the General Assembly, appointed by joint resolution on the 5th instant, to wait upon Gen. E. N. Conway, governor elect, &c., &c., have the honor to report, that they have performed the duty assigned, and were pleased to find the governor elect in good health. Your committee expressed to him such sentiments, verbally, on behalf of the General Assembly, and the citizens of the state, as the mission and occasion required.

Your committee were received with due courtesy by the governor elect, who returned an appropriate and patriotic reply to the address of your committee, and extended to them the hospitalities of his mansion.

Your committee also presented to Gen. E. N. Conway the following written communication:

Little Rock, Nov. 5th A. D. 1852.

Gen. E. N. Conway, *Governor elect:*

The General Assembly of the State of Arkansas, now sitting, by joint resolution of the two houses, have appointed a committee, consisting of Messrs Burrow, Hempstead and Underhill, on the part of the Senate, and Messrs Bevens, Coldwell and Maddux, on the part of the House of Representatives, to inform you of your election as governor of the State of Arkansas, and to inquire of you at what time it will suit your convenience to meet the General Assembly, and be initiated into the office of governor of the State of Arkansas. The committee respectfully submit the resolution to your consideration, and ask a reply, that they may have the pleasure of communicating the same to the General Assembly.

With sentiments of esteem and regard, we have the honor to be and remain,

Yours respectfully,
N. B. BURROW,
Chairman of Senate committee.
W. C. BEVENS,
Chairman of House committee.

To which your committee received, in due time, the following reply:

Little Rock, Ark., 5th Nov., 1852.

Gentlemen: I received from the General Assembly the official notification of my election to the office of governor of the State of Arkansas, with feelings of gratitude to my fellow citizens.

The constitutional term of the present executive will expire with the 14th day of this month. I cannot, therefore, legally qualify as governor of the State of Arkansas, before Monday, the 15th day of November, 1852, on which day, at noon, I shall be ready to take the oath of office.

I tender my thanks to all the members of the committee, for the kind and courteous manner in which they in person waited on me, and caused to be delivered, orally and in writing, the message of the General Assembly.

Most respectfully,
Your obedient servant,
ELIAS N. CONWAY.

To Hon. N. B. Burrow,
Chairman of Senate committee,
Hon. W. C. Bevens,
Chairman of House committee,
Of the General Assembly of the State of Arkansas.

All of which is respectfully submitted.

N. B. BURROW,
Chairman of committee on part of the Senate,
W. C. BEVENS,
Chairman of committee on part of the House.

Which report was read and received.

Mr Chapman gave notice that on Wednesday next, he would introduce a bill, to be entitled "an act to regulate the practice of medicine."

Senate bill No. 2, to be entitled "an act for the relief of William B. Isbell, was read a second time; and, on motion of Mr Clarke, it was referred to the committee on the judiciary.

Senate bill No. 3, to be entitled "an act amendatory of the revenue laws," was read a second time; and, on motion of Mr Harley, it was referred to the committee on ways and means.

Senate bill No. 4, to be entitled "an act to call in the scrip of Marion county," was read a second time.

Mr DeShongh moved to refer the bill to the committee on claims.

Which motion was lost.

On motion of Mr Underhill, the rules of the Senate were dispensed with, the bill read a third time, and passed.

Senate bill No. 5, to be entitled "an act amendatory of the several acts in relation to the sale and price of the 500,000 acre grant," was read a second time; and, on motion of Mr. Izard, it was referred to the committee on internal improvements.

Mr Clarke introduced the following

RESOLUTION:

Resolved, That the committee on education be instructed to report, for the adoption of this General Assembly, a memorial to the Congress of the United States, asking for the donation of public land to the State of Arkansas, to be appropriated for the establishment of institutions for the education of the blind, deaf and dumb youth of Arkansas.

Which was read and adopted.

Mr Poindexter was called to the chair.

Mr Hampton introduced the following, as an additional rule of the Senate:

47. When a report from a standing or select committee be accompanied by an original bill, the bill shall be read only by title; but the report being received, the bill shall be read a first time, and if no objection be urged, pass to a second reading on the day following.

Which was read, and laid on the table, under the rule, until Monday next.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have adopted the following

RESOLUTION:

Resolved, That, with the concurrence of the Senate, the two Houses will convene in this hall on Tuesday next, at 11 o'clock A. M., for the purpose of electing a United States Senator, for the term of six years from and after the 4th of March next.

Which is herewith transmitted for the concurrence of the Senate.

J. H. HOBBS.
Clerk of the House.

On motion, the resolution accompanying the message was taken up and read.

Mr Harley moved to concur with the House in the resolution.

Mr Clarke offered the following amendments,

Strike out the words "Tuesday next," and insert, in lieu thereof, "Tuesday, the 16th November;" and after the word "Senator," insert the words, "and one chief justice of the supreme court.

Which were read.

On motion of Mr Burrow, the resolution and amendments were laid on the table until Monday next.

Mr Berry gave notice that on Monday next, or some day thereafter, he would introduce a bill to amend the patrol law.

Mr President resumed the chair.

On motion of Mr Izard, the Senate adjourned until Monday morning 10 o'clock.

THOMAS B. HANLEY, *President.*

* * *

Monday, Nov. 8, 1852.

Senate met, pursuant to adjournment.

The roll was called by order of the president, and 20 Senators answered to their names.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of Saturday last was read and approved.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House have concurred in the resolution of the Senate, making the committee of both Houses on public printing a joint committee.

The House has concurred it the resolution of the Senate, relative to receiving proposals for public printing, with the following amendments thereto, to wit: by adding, after the word "of," instead of "Little Rock," "the State of Arkansas;" and after the word "be," in place of "authorized, &c.," insert, required to accept the lowest bid that may be offered, and take bond and ample security for the prompt and faithful performance of the work. Also, the following

RESOLUTION:

Resolved, That the joint committee heretofore appointed to receive bids for the public printing, be instructed to receive two separate bids—one for the printing of both Houses, during the present session, and the other for the printing of the acts and journals.

To which the assent of the Senate is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Poindexter presented the petition of A. G. Mayers, stating, that at the general election, on the 2d day of August, 1852, he and George W. Clarke were candidates for Senator, to represent the 4th senatorial district of the State of Arkansas, composed of the counties of Crawford and Sebastian; that he received 709 votes for said office, and George W. Clarke received 679 votes; that the clerk of Crawford county gave a certificate of election to George

W. Clarke, notwithstanding the majority in favor of the petitioner, on the pretence that it did not appear "*upon the face of the certified copy of the abstract of the senatorial election of said county of Sebastian,*" that "*A. G. Mayers*" was the identical "*Abram G. Mayers*" mentioned in the abstract of the election in the county of Crawford; and praying that the subject may be speedily investigated by the Senate, and his right to the seat determined.

Mr Poindexter, at the same time, presented three papers accompanying the petition of said Mayers, and marked "A.," "B." and "C."

Paper marked "A.," is a certificate, signed by A. McLean, clerk of the county court of Crawford county, certifying, under the seal of his office, that, at said election, George W. Clarke received 494, and Abram G. Mayers received 185 votes, in Crawford county; that John Carnell, clerk of the county court of Sebastian county, did, in pursuance of the 59th section, of the 61st chapter, of the Digest of the statutes of the State of Arkansas, within ten days next after said election, to wit: on the 10th day of August, 1852, transmit to him a certified copy of the abstract of the senatorial election in said county of Sebastian, whereby it appears that said George W. Clarke received, in said county of Sebastian, 185 votes for Senator, and A. G. Mayers received 524 votes for the same office; and nothing appearing upon the face of the certified copy of the abstract of the senatorial election of said county of Sebastian, to show that "*A. G. Mayers,*" therein named, is the identical "*Abram G. Mayers,*" mentioned in the abstract of the election in said county of Crawford, he gave to said George W. Clarke a certificate of election.

Paper "B." is a certificate, signed by John Carnell, clerk of the county court of Sebastian county, certifying that "*A. G. Mayers,*" named in the certificate copy of the abstract of the senatorial election, held at the several precincts of said county of Sebastian, on the first Monday of August, 1852, which was transmitted to the clerk of Crawford county, on 10th August, 1852, is the identical same "*Abram G. Mayers*" named in the abstract of the election, held in the county of Crawford, at the same time; and that Abram G. Mayers and George W. Clarke were the only candidates for the office of Senator, for the 4th senatorial district of this state, at the last general election.

Paper "C." is an affidavit, subscribed before Samuel Edmondson, a justice of the peace within and for the county of Sebastian, by John Rogers, B. T. Duval, Mitchell sparks, J. R. Karneady, George S. Birnie, John Beckel, John Carnall, James J. Baker and Marshall Grames, all citizens of Sebastion county, stating that Abram G. Mayers and George W. Clarke were the only candidates for the office of Senator, for the 4th senatorial district of this state, at the election held in said county, on the first Monday in August, 1852; and that Abram G. Mayers has been a citizen of said county for 13 or 14 years, and has always been known and called by the name of "*A. G. Mayers,*" and is, and has been, known as well by the one name as the other.

All of which were read; and, on motion of Mr Poindexter, they were referred to the committee on elections.

Mr Clarke presented a certificate copy of poll books of the election held on the 2d day of August, 1852, in the townships of Bates, Sugar Loaf and Centre, in the county of Sebastian; from which it appears that in Bates township, A. G. Mayers received 1 vote, and George W. Clarke received 44 votes; in Sugar Loaf township, A. G. Mayers received 29 votes, and George W. Clarke received 61 votes; and, in Centre township, A. G. Mayer received 6 votes, and George W. Clarke received 47 votes.

Attached to each of said poll books, is the certificate of the clerk of the county court of Sebastian county, that said poll books were returned to him within three days after the close of said election, and that the votes given in said townships were not counted or included in any of the abstracts of said general election, but were rejected by John Beckel, justice of the peace, and John P. Smith, householder, and said clerk, for reasons endorsed on the poll books.

Which were read; and, on motion of Mr Clarke, they were referred to the committee on elections.

Mr Hampton introduced the following

RESOLUTION:

Resolved, That the committee on elections, to whom have been referred the papers and subject of the contested election from the senatorial district composed of the counties of Crawford and Sebastian, be empowered to send for persons and papers.

Which was read and adopted.

Mr Clarke presented the affidavits of E. S. R. Bales and John Patton, citizens of Sugar Loaf township, Sebastian county, stating that they acted as judges of the election held in said township, on the 2d August, 1852. The latter states that he, with the other judges and clerks, signed the poll books of said election, and that one of said poll books was placed in the hands of E. S. R. Bales, to deliver to the clerk of Sebastian county; that the poll books were compared, and agreed, one with the other; and, that that the result was, 29 votes for A. G. Mayers, and 61 votes for George W. Clarke; and that all the votes given at said township, were legal, honest and fair votes.

The former states that he delivered poll book to the clerk of Sebastian county, 3d August, 1852.

Which affidavits were read; and, on motion of Mr Clarke, they were referred to the committee on elections.

Mr Berry gave notice, that on Wednesday next, he would introduce a bill more fully to define the law on Sabbath breaking, and to enforce the same.

Mr Miller gave notice, that on to-morrow, or some subsequent day, he would introduce a bill, to be entitled "an act to change the lines between the counties of Scott and Sebastian;" also, a bill, to be entitled "an act to sell the 16th section, in township 10 north, of range 29 west, in Franklin and Crawford counties."

Mr Miller introduced the following

RESOLUTION:

Resolved, That a committee of three be appointed on the part of the Senate, to act as a joint committe with such committee as may be appointed on the part of the House, whose duty it shall be, to draft and present to this General Assembly, a bill, to provide for calling a convention, to revise the constitution of the State of Arkansas.

Which was read, and laid on the table one day, under the rule.

Mr Miller, from a select committee, made the following

REPORT:

Mr President:

The select committee appointed by your honorable body to take into consideration the memorial of James Forceman, of Franklin county, have had the same under advisement, since the 4th instant, and have instructed me to report, that they are fully satisfied that the facts and statements set forth in said memorial are strictly true and correct, and that some provisions ought and should be made, out of the swamp land, to pay and satisfy the said James Forceman for the service of forty-two days, rendered and performed in locating land for the swamp land commissioners, in the county of Franklin, and that two dollars per day is the usual price allowed sub or locating agents for their services whilst employed as such. Your committee would, therefore, recommend to your honorable body the adoption of the following resolution, to wit:

Be it resolved by the General Assembly of the State of Arkansas, That James Forceman, of the county of Franklin, is justly and legally entitled to eighty-four dollars, for services rendered by him, in behalf of the swamp land commissioners of this state, and that they, the said commissioners, be, and are hereby instructed, directed and required, to pay to the said James Forceman the said sum of eighty-four dollars, out of any funds in their hands, and in default of there being funds in their hands, that they be and they are hereby directed and required to be issued to the said James Forceman a certificate for said amount of eighty-four dollars, and that said certificate, when so issued, shall be in the hands of said James Forceman, or his assigns, receivable for lands subject to entry, in any swamp land office in this state, under any of the laws now in force.

All of which is respectfully submitted to your honorable body, and your committee asks to be discharged from the further consideration of this subject.

JESSE MILLER, *Chairman.*

Which report was read and received, and the committee discharged.

The resolution accompanying it was read, and laid on the table one day, under the rule.

Mr Rose, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred the petition of C. B. Mann, sheriff and collector of Johnson county, have had the same under consideration, an have agreed to report the accompanying bill, and recommend its passage.

M. ROSS, *Chairman.*

Which report was read and received.

No. 8, the bill accompanying it, to be entitled "an act to authorize the holding of a special term of the county court of Johnson county," was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with' and the bill read a second time.

On motion of Mr Fletcher, the bill was referred to the committee on the judiciary.

No. 9. Mr Berry asked and obtained leave to introduce a bill, to be entitled "an act to amend the 5th section, of the 117th chapter, of the statutes of Arkansas."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 10. Mr Leemoyne, pursuant to previous notice, introduced a bill, to be entitled "an act to exempt a homestead from execution."

Which was read a first time, and ordered to a second reading on to-morrow.

Senate bill No. 6, to be entitled "an act to incorporate the town of Huntsville," was read a second time.

On motion of Mr Berry, it was ordered to be engrossed, and read a third time on to-morrow.

Senate bill No. 7, to be entitled "an act to change the name of Ellen Kimbro to the name of Ellen Zachary, and to constitute her a lawful heir to the estate of Bartlett Zachary," was read a second time, and ordered to a third reading on to-morrow.

The additional rule of the Senate, introduced on Saturday last, by Mr Hampton, was taken up, read a second time, and adopted as a standing rule of the Senate by the majority, and in accordance with the 37th standing rule of the Senate.

On motion of Mr Hampton, the resolution of the House of Representatives, fixing upon Tuesday next to go into the election of United States Senator, together with the amendments offered on Saturday by Mr Clarke, were taken up and read.

The question being on the adoption of the first amendment, proposing to strike out "Tuesday next," and insert, in lieu thereof, "Tuesday, the 16th November," Mr Harley called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Izard, Lemoyne, Maxwell, Miller, Mitchell, Underhill and Mr President—16.

Nays—Messsrs Hampton, Harley, Hawkins, Henson, Poindexter and Ross.

So the amendment was adopted.

The second amendment, proposing to add, after the word "Senator," the words, "the chief justice of the supreme court of the State," was then read and adopted.

The resolution, as amended, was concurred in by the Senate.

On motion of Mr Billingsley, the Senate adjourned until tomorrow morning 10 o'clock.

THOMAS B. HANLEY, *President.*

Tuesday, Nov. 9th, 1852.

Senate met pursuant to adjournment.

The roll was called by order of the president, and 18 Senators answered to their names.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

The chair laid before the Senate the following report of the internal improvement commissioner of Monroe county:

Mr President:

The undersigned, the internal improvement commissioner of the county of Monroe, under and by virtue of the law in such case, made and provided, has the honor to communicate to your honorable body his report as such.

He has drawn from the treasurer of the State at different times, between the 22d day of February, A. D., 1851, and the 12th of August, A. D., 1852, the sum of eighteen hundred and thirty-five and thirty-six one hundredths dollars, ($1,835 36-100), as the amount of the internal improvement fund due said county of Monroe up to that time, all of which remains in the hands of the undersigned as such commissioner.

That on the 12th day of April, A. D., 1852, he proposed to let out a bridge across Walker's Cypress, in said county, and on the main road leading from Helena to the county seat of said county, and from thence to the city of Little Rock; and that on that day, Isaac Barton, Esq., of said county, was the lowest bidder for the erection of said bridge, for the price and consideration of the sum of twenty-six hundred and fifty dolars; the same to be completed and ready for use on or before the 25th day of February, A. D., 1853; for the faithful performance of which, the undersigned has taken bond with approved security from the said contractor, in double the amount of said contract; and the same is at this time in process of completion, and when finished will add much to the intercourse between the region surrounding Helena and the interior of the State, west of White river; all of which is respectfully submitted.

S. J. BRANDENBURY,
Internal Improvement Commissioner
of Monroe County.

Monroe County, Ark., Nov. 1st, A. D. 1852.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have adopted a resolution, enquiring in what manner the law had been complied with, passed at the last session of the Legislature, letting out the contract for the rebuilding of the penetentiary; which is herewith transmitted for the concurrence of the Senate.

The House of Representatives have passed bill No. 4, to be entitled "an act to authorize Abraham Laster and James H. Laster, administrators of the estate of Fredrick Laster, deceased; Daniel Farmer, administrator of the estate of Jane Brown, deceased and William R. Davis, administrator of the estate of John H, Davis, deceased, all late of Johnson county, to sell the personal property of said estates."

Which is herewith transmitted for the assent of the Senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Harley introduced the following

RESOLUTION:

Resolved, That the secretary of the Senate be authorized to procure the printing of one thousand copies of the "Rules of the Senate," as amended, for the use of the Senate.

Which was read and adopted.

Mr Berry introduced the following

JOINT RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That it shall be the duty of the secretary of state, to cause to be printed in some newspaper of this state, all the laws of a general nature, passed by the present General Assembly, and cause one copy thereof containing such publication to be sent to the clerk of each county.

Which was read, and laid on the table one day under the rule.

On motion of Mr Chapman, Mr Berry was added to the committee on education.

Mr Clarke asked to be, and was excused by the Senate, from serving on the joint selelect committee, appointed by the two Houses of the General Assembly, for the purpose of complying with the requisition of a resolution, adopted at the last session of the General Assembly, requesting a settlement with the secretary of state for certain public moneys, with the disbursement of which he had been entrusted.

The chair then added Mr Fletcher to the committee on the part of the Senate, in lieu of Mr Clarke, excused.

Mr Lemoyne introduced the following

PREAMBLE AND RESOLUTION:

Whereas, The investigation of the banks, will require by the committee much labor, and without a cempetent clerke, the committee will be unable to give them that examination which is desired; therefore,

Be it resolved, That the committee on banks, appointed by the Senate, be permitted to employ a clerk to assist them in the labor.

Which was read and adopted.

Mr Chapman, from the committee on education, made the following

REPORT:

Mr President:

I am instructed by the committee on education, to whom was referred the resolution of the honorable Senator from Crawford, which they have had under consideration, to report the result of their deliberation to your honorable body.

From the tenor of the resolution in question, it would seem that it were the wish of the Senate, that your committee should propose a memorial, to be addressed to the Congress of the United States, by the General Assembly, praying Congress to grant to this state, land to be appropriated to the erection, establishment and endowment of institutions for the education of the deaf, dumb and blind youth of the State of Arkansas; but your committee would respectfully ask that they be permitted, in lieu of a memorial, to propose a joint resolution, instructing our Senators, and requesting our Representative, in Congress, to ask in behalf of the General Assembly of this state, a grant of land for the object stated in said resolution, believing, as your committee do, that a resolution to the effect suggested, would be as effective with Congress, as a memorial in regular and due form, and more in accordance with custom and usage in such cases.

Feeling, as your committee do, that your honorable body will concur in the suggestion, which they have thought proper to make in this behalf, they would respectfully submit for your consideration and that of the Senate, the following joint resolution, to-wit:

Be it resolved by the General Assembly of this State, That our Senators are hereby instructed, and our Repsesentative in Congress is respectfully requested, to use their best endeavors to induce the Congress of the United States, to grant to this state, twenty sections of the public lands, situate in this state, and not otherwise appropriated, to be applied to the erection, establishment and endowment of an institution for the education of the deaf, dumb and blind youth of our state.

All of which is respectfully submitted; and your committee ask to be discharged from the further consideration of the subject.

CHAPMAN, *Chairman.*

Which report was read and adopted.

The resolution accompanying it was read, and laid on the table one day under the rule.

Mr Maxwell, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred the resolution, whether any clerks of the county courts made return of the abstract of the vote given in the Governor's election, to the office of the secretary of state, and in compliance with their duty under said resolution they addressed a communication to said secretary of state, who responded with the accompanying letter.

MAXWELL, *Chairman.*

OFFICE OF THE SECRETARY OF STATE,
Little Rock, 8th Nov., 1852.

Hon. H. S. Maxwell:

Sir: In answer to a resolution of the Senate, appointing a committee, of which you are chairman, to ascertain whether any of the clerks of the county courts made return of the abstract of the votes given in the Governor's election, to this office instead of the speaker of the House of Representatives, and if so, whether said abstracts are yet in the secretary's office. I have the honor to state, that the returns of the vote for Governor, with the other abstracts, were made to this office, from the counties of Ashley, Benton, Drew, Hot Spring, Izard, Madison, Newton, Poinsett, Randolph, Green, Pike and Yell.

It appears from said returns, that in the

County of	Ashley	Conway	Rec'd	211,	votes	Smithson	116,
"	Benton	"	"	179,	"	"	545,
"	Drew	"	"	247,	"	"	200,
"	Hot Spr'g	"	"	348,	"	"	237,
"	Izard	"	"	438,	"	"	64,
"	Madison	"	"	345,	"	"	347,
"	Newton	"	"	145,	"	"	185,
"	Poinsett	"	"	390,	"	"	23,
"	Randolph	"	"	500,	"	"	39,
"	Green	"	"	321,	"	"	46,
"	Pike	"	"	193,	"	"	116,
"	Yell	"	"	281,	"	"	277,

I have the honor further to inform the committee, that these abstracts are yet in this office.

Very respectfully,
DAVID B. GREER,
Secretary of State.

Which report and communication were read.

Mr Izard was called to the chair.

Mr president moved the adoption of the report; which motion, after debate, prevailed.

Mr president resumed the chair, and announced that the introduction of bills were in order.

Mr Mitchell was called to the chair.

No. 11. Mr president asked, and obtained leave to introduce a bill, to be entitled "an act to provide for the election of swamp land commissioners by the General Assembly.

Which was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Hampton, the bill was referred to the committee on internal improvements.

Mr president resumed the chair.

House bill No. 4, to be entitled "an act to authorize Abram Laster and James H. Laster, administrators of the estate of Fredrick Laster, deceased; Daniel Farmer, administrator of the estate of Jane Brown, deceased, and William C. Davis, administrator of the the estate of John H, Davis, deceased, all late of Johnson county, to sell the personal property of said estates," was read a first time.

On motion of Mr Rose, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Izard, the bill was referred the committee on the judiciary.

Senate bill No. 9, to be entitled "an act to amend the 5th section of the 117th chapter of the statutes of Arkansas," was read a second time, and on motion of Mr Berry, it was referred to the committe on the judiciary.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have adopted a resolution, proposing to appoint a committee, consisting of one member from each judicial circuit in the State of Arkansas; which is herewith transmitted to the Senate, and that the Senate be requested to concur herein.

J. H. HOBBS,
Clerk of the House.

Senate bill No. 7, to be entitled 'an act to change the name of Ellen Kimbro to the name of Ellen Zachary, and to constitute her lawful heir to the estate of Bartlett Zachary," was read a third time, and passed.

Senate bill No. 6, to be entitled "an act to incorporate the town of Huntsville," was read a third time, and passed.

Senate bill No. 10, to be entitled "an act to exempt a homestead from execution," was read a second time.

On motion of Mr Poindexter. it was laid on the table for the present, and one hundred copies ordered to be printed.

The joint resolution of the Senate, requiring the swamp land commissioners of this state, to pay James Forsman, of Franklin county, eighty-four dollars for forty-two days services, rendered in locating and selecting the swamp lands in Franklin county, was read a second time.

On motion of Mr Hampton, it was, after debate, referred to the committee on the judiciary.

The joint resolution of the Senate, proposing the appointment of a joint select committee, to draft a bill to provide for the calling of a convention, to revise the constitution of the State of Arkansas, was read a second time, and on motion of Mr Harley, it was laid on the table indefinitely.

The message from the House of Representatives accompanying the joint resolution of the Senate, authorizing the joint committee on public printing to contract with the lowest bidder for the printing of the present General Assembly, was taken up and read.

The amendments of the House of Representatives to said resolution, were also read; and pending the question of their adoption, the message and amendments, were, on motion Mr Clarke, laid on the table until to-morrow.

On motion of Mr Harley, the Senate adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President.*

* * *

Wednesday, Nov. 10, 1853,

Senate met pursuant to adjournment.

The roll was called by order of the president, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—20.

Prayer by A. R. Winfield, chaplain.

the journal of yesterday was read and approved.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honerable body, that the House of Representatives have concurred in the joint rules, sent to the House by the Senate, governing the deliberations of the two Houses.

The committee on apportionment, on the part of the House of Representatives, are Messrs Redmond of the 1st, Saunders of the

2d, Marshall of the 3d, Howard of the 4th, Totten of the 5th and Maddux of the 6th.

J. H. HOBBS,
Clerk of the House.

Mr Izard asked, and obtained leave to introduce the following

RESOLUTION:

Resolved, That the two Houses of this General Assembly, meet in convention this day, the 10th of Nov., at 12 o'clock M., for the purpose of electing one U. States' Senator for the term of six years, from the 4th of March next, and one chief justice of the supreme court; to hold his office for and during the time prescribed by the constitution and laws of this state, and that the House of Representatives be requested to concur herein.

Which was read a first time.

On motion of Mr Izard, the rules of the Senate, requiring joint resolutions to lie on the table one day, was dispensed with, the resolution taken up, read a second time, and adopted, and transmitted to the House of Representatives for their concurrence.

Mr Berry introduced the following

JOINT RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representative be requested, to use their best exertions to procure the establishment of a tri-weekly mail, to be carried by stages, from Batesville, in Independence county; thence to Yellville, in Marion county; thence to Carrollton, in Carroll county; thence to Huntsville, in Madison county; thence to Fayetteville, in Washington county.

Which was read, and laid on the table until to-morrow, under the rule.

Mr Lemoyne introduced the following

PREAMBLE AND RESOLUTION:

Whereas, It is known to this General Assembly, that the Hon. John C. Calhoun, of South Carolina, departed this life at 7 o'clock, A. M., on the 11th of April, A. D., 1850; that the Hon. Henry Clay, of Kentucky, paid the same debt at 11 o'clock, A. M., on the 29th June, A. D., 1852; and that the Hon. Daniel Webster, of Massachusett, was called to his last account at 3 o'clock, A. M., on the 24th October, A. D., 1852; and,

Whereas, It is the sense of this body, that the memory of these distinguished and world-renowned personages is the property, and of right, belongs to American people, whom they so long lead, by their example, directed by their wisdom and council, and adorned with their illustrious character; and,

Whereas, It is believed to be the wish and desire of the people of this state to perpetuate the qualities of heart and head, which distinguished these men above their contemporaries, not only as modles of emulation to the present, but as examples and samples of excellence and greatness to those generations which are to succeed: and, WHEREAS, No mode is known by which this purpose can be more effectually or appropriately accomplished, than by giving place to such sentiments as are designed to be embraced herein, on the journals of the two Houses of this General Assembly, and the printed publication of the acts and resolutions thereof; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That they have heard, with deep pain, of the death of the Hon. John C. Calhoun, of South Carolina; of the Hon. Henry Clay, of Kentucky; and of the Hon. Daniel Webster, of Massachusetts, at the respective times in the preamble hereof stated; and they hereby tender to the American people wherever they may be, and to the immediate families and friends of those distinguished individuals, their condolence for the irreparable loss which, in common with mankind, they have sustained by that dispensation.

And be it further resolved, That, as an evidence of the high esteem in which the deceased were respectively held by the people of this state, in common with their fellow citizens throughout the Union, that these resolutions, with the preamble, be spread upon the journals of the two Houses, and be published, both in the printed copies thereof, and with the volume to contain the acts and resolutions passed at the present session.

And be it further resolved, That the secretary of state be, and he is hereby, required to communicate copies of these resolutions, with their preamble, to the immediate families of the distinguished dead heretofore named, at his earliest convenience, after the adjournment of the present session of the General Assembly.

Which were read.

On motion of Mr Lemoyne, the rules of the House, requiring joint resolutions to lie on the table one day, were suspended, the preamble and resolutions taken up, read a second time, and unanimously adopted.

Mr Davidson introduced the following

REOLUTION:

Resolved, That the committee on internal improvements, be instructed to enquire into the propriety of appropriating for the improvement of the navigation of White river, every alternate section of the public lands, on either side of said river, from the mouth of Black river to the Missouri boundary; also a similar grant of the public lands, for the improvement of the navigation of Black river from its mouth to the junction of Currant river.

Which was read, and laid on the table until to-morrow.

Mr Poindexter, from the committee on ways and means, made the following

REPORT:

Mr President:

The committee on ways and means, to whom was referred Senate bill No. 1, to be entitled "an act to regulate the per diem, pay and mileage of members of the General Assembly," report, that it has performed the duty assigned it, and have instructed me to report the bill with the following amendment, to-wit:

Strike out the words in the 3d section, "most direct," and insert in their place, the word, "usual," and recommend the passage of the bill with said amendment; all of which is respectfully submitted.

POINDEXTER, *Chairman*,

Which report was read.

Mr Harley moved to refer the bill to the committee of the whole.

Mr Hampton moved to lay the report and bill on the table until to-morrow.

Which motion prevailed.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have concurred in Senate resolution, fixing this day at 12 o'clock M., for the purpose of going into the election of one United States' Senator; and also one chief justice of the supreme court.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Underhill, the Senate took a recess until 12 o'clock, M.

At 12 o'clock, M., the Senate convened.

Mr Berry introduced the following

RESOLUTION:

Resolved, That the secretary of the Senate be requested to insert the names in the journal, of the Senators answering to their names, when the roll is called, at the meeting of the Senate every morning.

Which was read and adopted.

No. 12. Mr Berry, pursuant to previous notice, introduced a bill, to be entitled "an act to amend the criminal law, under the head of Sabbath-breaking."

Which was read a first time, and ordered to a second reading on to-morrow.

The joint resolution of the House of Representatives, appointing a committee on apportionment, was taken up, read a first time, and laid on the table until to-morrow.

No. 13. Mr Underhill asked, and obtained leave, to introduce a bill, to be entitled "an act for the relief of John W. Williams of Mississippi county."

Which was read a first time.

On motion of Mr Underhill, the rules of the Senate were dispensed with, and the bill read a second time; and, on further motion of Mr Underhill, the bill was referred to the committee on the judiciary.

The joint resolution of the House of Representatives, making the committee on the penitentiary, a joint committee, etc., was read a first time, and laid on the table until to-morrow.

Joint resolution of the Senate, No. 2, requiring the secretary of state, to cause to be printed in some newspaper of this state, all the laws of a general nature, passed by the present General Assembly, was taken up, read a second time, and on motion of Mr Clarke, it was laid on the table until to-morrow.

The joint resolution of the Senate, No. 3, instructing our Senators and requesting our Representative in Congress, to procure the passage of a law, donating twenty sections of public land, for the erection, establishment and endowment of institutions, for the education of the deaf, dumb and blind youth of our state, was taken up and read.

On motion of Mr Chapman, it was ordered to be engrossed, and read on to-morrow.

Message from the House of Representatives, by the clerk.

Mr President:

I am instructed to inform your honorable body, that the hall of the House of Representatives is now ready to receive the Senate, for the purpose of going into an election of one United States Senator, and also chief justice of supreme court.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Underhill, the Senate repaired to the hall of the House of Representatives, and being seated, the speaker announced that nominations for United States Senator, to serve for six years from the 4th of March next, were in order.

Whereupon, Mr Wood, of the House of Representatives, nominated William K. Sebastian, of Phillips county.

No other nominations being made, the rolls were called, when it appeared that William K. Sebastian had received eighty-four joint votes; A. A. Stith had received six votes; and John S. Roane had received four votes.

Those Senators who voted for William K. Sebastian are

Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Whereupon, the speaker proclaimed that William K. Sebastian having received a majority of all the votes given, was duly and constitutionally elected United States Senator, for the term of six years from the 4th of March next.

The speaker announced that nominations for chief justice of the supreme court of the State of Arkansas were in order.

Whereupon, Mr Witherspoon, of the House of Representatives, nominated George C. Watkins, of Pulaski county.

No other nominations being made, the rolls were called, when it appeared that George C. Watkins had received (94) ninety-four joint votes, and Thomas B. Craighead had received one vote.

Those Senators who voted for George C. Watkins are

Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Whereupon, the speaker proclaimed, that George C. Watkins having received a majority of all the votes given, was duly and constitutionally elected chief justice of the supreme court, for and during the time prescribed by the constitution of the State of Arkansas.

Thhe Senate returned to their chamber.

On motion of Mr Poindexter, the Senate adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President.*

* * *

Thursday, Nov. 11th, 1852.

Senate met pursuant to adjournment.

The roll of the Senate was called, by order of the president, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill and Mr President—21.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Berry introduced the following

PREAMBLE AND RESOLUTION:

Whereas, It appears that the Senate chamber, for some time past, has been a public place for resort and amusement, such as shows and balls, to the injury of carpets, desks and chairs, belonging to said Senate chamber; and to the great injury of the best morals of the country, and a degradation to the capital of the state, lessening the dignity of the country in the estimation of strangers abroad; Therefore,

Be it resolved, That the committee on ways and means be required to investigate this matter, and report a suitable bill to this house to remedy the evils aforesaid.

Which were read.

Mr Clarke moved to strike out the preamble.

Which motion prevailed.

Mr Lemoyne moved to strike out the words "this matter," in the third line of the resolution.

Mr Underhill moved to lay the resolution on the table indefinitely; upon which motion, Mr Berry called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Clarke, DeShongh, Fletcher, Hampton, Harrison, Hawkins, Lemoyne, Maxwell, Miller, Mitchell, Poindexter and Underhill—12.

Nays.—Messrs Berry, Billingsley, Chapman, Davidson, Ellis, Harley, Henson, Izard, Rose and Mr President—10.

So the resolution was laid on the table indefinitely.

Mr Harley was called to the chair.

Mr President introduced the following

RESOLUTION:

Resolved, That the committee on the judiciary be, and they are hereby instructed and directed, to inquire into the expediency and propriety of this General Assembly, by joint resolution or otherwise, ordering the attorney general of this state to commence proceedings in chancery, to divest the present trustees of the real estate bank of the assets of that institution, so that the same may be placed under the administration and charge of such person or persons as may be appointed for that purpose by the court of chancery, to which such application may be made, and that said committee be, and they are hereby instructed to report the result of their consideration to the Senate, at their earliest possible convenience hereafter.

Which was read and adopted.

Mr President introduced the following

RESOLUTION:

Resolved, That the standing committee of the judiciary be, and they are hereby required and directed to inquire into the expediency and propriety of revising and amending the entire administration law of this state; and that said committee be, and they are hereby instructed to report to the Senate their sense on this subject, at their earliest convenience.

Which was read and adopted.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have passed the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative be requested, to use their influence to procure the passage by Congress of a law, to allow the State of Arkansas to select, for the purpose and use of common schools, one entire section of land for each fractional township in this state, in which there is no sixteenth section; which is herewith transmitted for the concurrence of the Senate.

J. H. HOBBS,
Clerk of the House.

Mr Maxwell introduced the following

PREAMBLE AND RESOLUTION:

WHEREAS, It is represented that certain prosecuting attorneys of this state are in the habit of demanding and receiving fees in all cases when the circuit court imposes fines against individuals, as defaulting witnesses and jurors, as well as in many other cases, where the law is doubtful and the authority questionable; and, whereas, this has become general throughout the state, that it has become a grievance of serious moment, and as such, should, and of right ought to be, remedied by the legislative department of the government, at the earliest possible moment after it is proclaimed and made known; Therefore,

Be it resolved, That the committee on the judiciary be, and are hereby instructed and directed to prepare and report to the Senate a bill restricting the fees of the several prosecuting attorneys of the state, so as not to allow or authorize them to demand or receive any fee or compensation, except in prosecutions and convictions of persons indicted for a violation of the criminal or penal statutes of this state.

Which was read, and, on motion of Mr Clarke, adopted.

Mr President resumed the chair.

Mr Chapman introduced the following

RESOLUTION:

Resolved, That the Senate direct the door keeper to procure and set up, in the hall of the two houses of the General Assembly, a lantern, or light of some kind, for the convenience of the two houses of the General Assembly.

Which was read and adopted.

No. 14. Mr Harrison introduced a bill, to be entitled "an act to amend chapter four, of the Digest of the statutes of Arkansas."

Which was read a first time, and ordered to a second reading on to-morrow.

The resolution of the House of Representatives, making the committees of the two houses on the penitentiary a joint committee, &c., was read a second time, and concurred in by the Senate, on motion of Mr Izard.

The resolution of the House of Representatives, making the committees on apportionment a joint committee of both houses, was read a second time, and, on motion of Mr Harley, concurred in by the Senate.

On motion of Mr Chapman, the committee on apportionment, appointed by the Senate on the 3d inst., consisting of Messrs Chapman, Izard, Harley, Mitchell, Henson, Hampton and Fletcher; were directed to act with the committee on the part of the House of Representatives on the same subject, and that the House of Representatives be informed thereof.

Senate bill No. 12, to be entitled "an act to amend the criminal law, under the head of Sabbath Breaking, was read a second time;

and, on motion of Mr Berry, it was referred to the committee on the judiciary.

Joint resolution No. 4 of the Senate, instructing our Senators and requesting our Representative in Congress, to use their best exertions to procure the establishment of a tri-weekly mail, to be carried by stages from Batesville, in Independence county; thence to Yellville, in Marion county; thence to Carrollton, in Carroll county; thence to Huntsville, in Madison county; and thence to Fayetteville, in Washington county, was read a second time, and adopted.

The joint resolution of the Senate, asking Congress to donate 20 sections of the public lands, for the purpose of erection, establishment and endowment of institutions for the education of the deaf, dumb and blind youth of our state, was read a second time, and adopted.

The joint resolution of the Senate, making it the duty of the secretary of state to cause to be printed in some newspaper, all the laws of a general nature passed by the present General Assembly, and to cause one copy thereof, containing such publication, to be transmitted to the clerk of each county, was read; and, on motion of Mr Clarke, it was referred to the committee on public printing.

The first amendment of the House of Representatives to the joint resolution of the Senate, instructing the joint standing committee on public printing, to receive proposals from the different printers of the city of Little Rock, for the printing of the state until the meeting of the next General Assembly, and to make such contract therefor as may be advisable, subject to approval by the General Assembly, was read, and, on motion of Mr Poindexter, concurred in by the Senate.

The second amendment of the House of Representatives was read, and, on motion of Mr Poindexter, concurred in by the Senate.

The joint resulution of the House of Representatives, requiring the joint standing committee on public printing to receive two separate bids—one for the printing of the present General Asembly during the present session, and the other for the printing of the acts and journals, was read a second time, and concurred in by the Senate.

Mr Hampton, from the standing committee on public printing, made the following

REPORT:

Mr President:

The standing committee on public printing, to whom was referred the resolution directing the secretary of the Senate to procure the printing of one thousand copies of the governor's message and accompanying documents, have ascertained the documents accompanying his excellency's message, to consist of the "report of the swamp land commissioners," a correspondence between the governor and the surveyor general upon the subject of the swamp land donation, and the report of the superintendant of the penitentiary; and I am directed to report in favor of the publication of one thousand copies of the governor's message and accompanying documents, except some unimportant portion of the correspondence, which the committee propose to point out to the secretary.

HAMPTON, *Chairman*.

Which report was read and adopted.

Mr Clarke asked and obtained leave to introduce the following

RESOLUTION:

Resolved by the Senate and House of Representatives of the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative be requested, to procure the passage of an act amendatory of the act of "ordinance and acceptance of compact," so as to authorize the legislature of this state to tax the lands of non-residents at a higher rate than those of residents.

Which was read a first time, and laid on the table one day, under the rule.

The report of the committee on ways and means, accompanying Senate bill No. 1, to be entitled "an act to regulate the per diem pay and and mileage of the members of the General Assembly," was, together with the bill, taken up.

The amendment reported by the committee to the 3d section, was read and adopted.

Mr Harley offered the following amendment:

Strike out 1st and 2d sections, and insert—

That no member of either branch of the legislature shall be entitled to, or receive per diem pay, who absents himself from his seat without leave, unless in case of sickness or disability; and such member or members as may be absent from their seats during the remaining part of the session, without such leave, shall not be entitled to receive pay, for a term longer than the date of their absence aforesaid.

Which was read.

Mr Hampton offered the following, as a substitute for the amendment offered by Mr Harley:

Be it further enacted, That whenever any member of the General Assembly shall absent himself from his seat, and not again return before the close of the session, such member, so absenting himself, shall not be entitled to his per diem after the day he absents himself.

Which was read.

The question was then taken on its adoption, and it was lost.

The question being on the adoption of the amendment offered by Mr Harley, Mr Poindexter called for the yeas and nays, which, being sustained, were ordered.

Yeas.—Messrs Billingsley, Burrow, Clarke, Davidson, DeShongh, Ellis, Harley, Harrison, Henson, Izard, Maxwell and Miller—12.

Nays.—Messrs Berry, Chapman, Fletcher, Hampton, Hawkins, Lemoyne, Mitchell, Poindexter, Rose, Uuderhill and Mr President—11.

So the amendment was adopted.

The bill as amended, was then read.

Mr Burrow introduced the following amendment:

Sec. 1. No member of the General Assembly shall hereafter receive more than two dollars per day for his services as a member of the General Assembly.

Which was read; and the question being on its adoption, Mr Hampton called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Burrow, Clarke, Ellis, Izard, Miller and Underhill—7.

Nays.—Messrs Billingsley, Chopman, Davidson, DeShongh, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Lemoyne, Maxwell, Mitchell, Poindexter, Rose and Mr President—16.

So tne amendment was lost.

Mr Harley moved that the bill be engrossed for a third reading on to-morrow.

Mr Chapman moved to lay the bill, as amended, on the table until the 4th day March next, and called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Chapman, Miller and Mitchell—4.

Nays.—Messrs Billingsley, Burrow, Clarke, Davidson, DeShongh, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Izard, Lemoyne, Maxwell, Poindexter, Rose, Underhill and Mr President—18.

So the Senate refused to lay the bill, as amended, on the table until the 4th of March next.

On motion of Mr Harley, the bill was ordered to be engrossed, and made the special order of the day, for to-morrow.

The joint resolution of the House of Representatives, requesting our Representative, and instructing our Senators, in Congress, to use their influence to procure the passage of a law by Congress, allowing the State of Arkansas to locate one entire section of land for each fractional township in this state, in which there is no 16th section, for common school purposes, was read a first time, and ordered to lie on the table one day.

On leave, Mr Burrow made the following report, from the committee on the judiciary:

Mr President:

The committee on the judiciary, to whom was referred House bill No. 4, entitled "an act authorizing the sale of personal property by certain administrators," have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and recommend its passage. Respectfully submitted.

BURROW, *Chairman*.

Which report was read and received.

The bill accompanying it, to be entitled "an act to authorize Abram Laster and James H. Laster, administrators of the estate of Fredrick Laster, deceased; Daniel Farmer, administrator of the estate of Jane Brown, deceased, and William R. Davis, administrator of the estate of John H. Davis, deceased; all late of Johnson county," was read a third time and passed.

Mr Burrow, from the committee on the judiciary, on leave, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill to be entitled "an act to authorize the holding a special term of the county court of Johnson county," have had the same under consideration, and have instructed me to report the bill back to the Senate without amendment, and recommend its passage; all of which is respectfully submitted.

BURROW, *Chairman*.

Which was read and received.

Senate bill No. 8, to be entitled "an act to authorize the holding of a special term of the county court of Johnson county," accompanying said report, was read a third time, and passed.

On motion of Mr Lemoyne, Senate bill No. 10, to be entitled "an act to exempt a homestead from execution," was taken up and read.

On motion of Mr Poindexter, the bill was referred to the committee of the whole, and made the order of the day for Tuesday, November 16th inst.

On motion of Mr Clarke, Mr Billingsley was added to the committee on education.

On motion of Mr Ellis, the vote taken on the adoption of the amendment offered by Mr Harley to Senate bill No. 1, to be entitled "an act to regulate the per diem pay and mileage of members of the General Assembly," was reconsidered.

Mr Lemoyne made a call of the Senate, which motion was sustained, and the call ordered.

The following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—23.

The sergeant-at-arms was ordered to bring in the absentees.

He retired for a few moments, and returned with Mr Hampton; whereupon the call was withdrawn by Mr Lemoyne.

The question being on the adoption of the amendment offered by Mr Harley, Mr Poindexter called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Billingsley, Burrow, Clarke, DeShongh, Harley, Harrison, Henson, Izard, Maxwell and Miller—10.

Nays.—Messrs Berry, Chapman, Davidson, Ellis, Fletcher, Hampton, Hawkins, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—13.

So the amendment was lost.

Mr Burrow offered the following amendment to the second section of the bill:

Provided, That nothing in the following section, shall be so construed as to deprive any member of the General Assembly of his per diem pay, who is absent from the legislative halls, but engaged on committee, working for the advancement of the legislative business of the General Assembly.

Which was read and adopted.

Mr Clarke moved to lay the bill on the table indefinitely; which motion, on a division, was lost by a vote of 7 to 13.

On motion of Mr Poindexter, the bill was ordered to be engrossed, and read a third time on to-morrow.

On motion of Mr Lemoyne, the Senate adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President.*

Friday, Nov., 12th, 1852.

Senate met, pursuant to adjournment.

The roll was called by order of the president, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Mr President—21.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined a joint resolution on the public printing, and find the same correctly enrolled.

MITCHELL, *Chairman.*

On motion of Mr Berry, Mr Fletcher was added to the committee on the penitentiary.

Mr Harrison introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress, be instructed, and our Representative requested, to use their best endeavors to procure the passage of an act by Congress, directing and requiring the secretary of the teasury of the United States, to pay over to the State of Arkansas, the amout due her on account of the net proceeds of the sale of lands, lying within the state, sold by the general government since the first day of July, A. D. 1836, in accordance with the compact between the state and the general government.

Which was read and laid on the table one day, under the rule.

No. 15. Mr Fletcher, on leave, introduced a bill, to be entitled "an act to amend in part, the 8th section of an act entitled an act to amend in part, the 140th chapter of the Digest of the statutes of Arkansas, under the head of roads and highways, approved December 31st, 1850."

Which was read a first time.

On motion of Mr Fletcher, the rules of the Senate were dispensed with, and the bill read a second time; and on motion of Mr Fletcher, the bill was referred to the committee on public roads.

No. 16. Mr Rose, on leave, introduced a bill, to be entitled "an act to authorize the qualified voters of this state to vote for or against a convention."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 17. Mr Rose, on leave, introduced a bill, to be entitled "an act to amend an act entitled an act to provide for the reclamation of the swamp and overflowed lands, donated to this state by the United States."

Which was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with, and the bill read a second time; and on further motion of Mr Izard, the bill was referred to committee on internal improvements;

Mr Underhill was called to the chair.

No. 18. Mr President, on leave, introduced a bill, to be entitled "an act to give the actual settlers, or occupants, on the lands located as swamp land, under the act of Congress of the 28th of September, 1850, a pre-emption right thereto."

Which was read a first time.

On motion of Mr Hampton, the rules of the Senate were dispensed with, and the bill read a second time; and on further motion of Mr Hampton, the bill was referred to the committee on internal improvements.

Mr Billingsley, on leave, introduced the following

RESOLUTION:

Resolved, That his excellency, the governor of this state, be requested to furnish all information to the Senate, concerning the leasing of the Salt springs, showing who have been appointed to lease the same, and what amounts have been received for the use of the same.

Which was read and adopted.

Mr Clarke, on leave, introduced the following

RESOLUTION:

Resolved, That the state auditor be directed to obtain from the clerks of the several counties in this state, information of the number of cases exceeding in amount one hundred dollars, that have been adjudicated in each of the said several counties during the period of one year, immediately previous to the 1st of September last, and to report such information to the Senate at the earliest practical time.

Which was read and adopted.

No. 19. Mr Burrow, on leave, introduced a bill, to be entitled "an act to extend the jurisdiction of the probate courts."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a resolution, relative to the attachment laws, have had the same under consideration, and have instructed me report, that the statutes in this behalf are complete, and require no emendation.

Your committee do not doubt but that instances have occurred and may hereafter occur, wherein the attachment laws have been made the pretext of oppression. This however, is believed by your committee to originate, not out of the imperfection of the attachment laws, but out of the basenesss of such persons as are willing to commit perjury for pecuniary advantages or personal revenge.

The evil of which the resolution complains, may be corrected by inditing for perjury such persons as make the attachment laws a source of oppression by false swearing.

The attachment laws existing in this state, have been carefully formed by our law-makers, and have received the sanction of time and experience in other states.

Your committee believe, therefore, that nothing is wanting in this connection excepting to learn and practice existing laws, and ask to be discharged from further consideration of this subject.—Respectfully submitted.

BURROW, *Chairman.*

Which report was read and adopted.

The joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to use their influence to procure the passage of a law, to allow the State of Arkansas to select for the purpose and use of common schools, one entire section of land for each fractional township in this state, in which there is no 16th section, was read a second time, and adopted.

Senate bill No. 1, to be entitled "an act to regulate the per diem pay and mileage of members of the General Assembly," was read a third time.

Mr Harley offered the following amendment by way of rider: Strike out 1st and 2d sections, and insert, "that when any member of the General Assembly shall absent himself from the seat of government, and does not return to the discharge of his duties as such, he shall only be entitled to receive per diem pay up to the date of his absence; *Provided*, That nothing in this act shall be so construed, as to prevent members of either House, from receiving their pay, who may be absent by reason of sickness or disability, or who may have leave of absence by reason of serving on any committee, raised for the purpose of instruction or otherwise."

Which amendment, the chair declared to be out of order.

Mr Billingsley offered the following amendment, by way of rider.

By adding, afrer the words "General Assembly," in the 2d line of the 3d section, the words "or sheriff."

Which amendment was read and adopted.

The question being on the passage of the bill; Mr Poindexter called for the yeas and nays, which being sustained, and ordered.

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose Underhill and Mr President—19.

Nays.—Messrs Clarke and DeShongh—2.

So the bill was passed.

Mr President resumed the chair.

Senate bill No. 14, to be entitled "an act to amend chapter 4th of the Digest of the statutes of Arkansas," was read a second time, and on motion of Mr Izard, it was referred to the committee on the judiciary.

The joint resolution of the Senate, instructing our Senators, and requesting our Representatives, in Congress, to procure the passage of a law amendatory of the act of ordinance and acceptance of Compact," so as to authorize the Legislature of this state, to tax the lands of non-residents at a higher rate than of residents, was read a second time.

Mr Lemoyne moved to lay the resolution on the table during the administration of Franklin Pierce, but afterwards withdrew it, and moved to lay the resolution on the table until the 4th of July next.

Upon which motion Mr Clarke called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Fletcher, Harrison, Izard, Lemoyne, Poindexter and Mr President—6.

Nays.—Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, DeShongh, Hampton, Harley, Hawkins, Henson, Maxwell, Miller, Mitchell, Rose and Underhill—16.

So the motion to lay the resolution on the table was lost.

On motion of Mr Lemoyne, the resolution was referred to the committee on the judiciary.

Mr Burrow introduced the following

RESOLUTION:

Resolved, That the committee on printing be instructed to report to the Senate;

1. Whether any contract has been entered into for the job printing of the Senate.
2. If no contract has been made, whether said printing is not likely to cost more than by contract.
3. By what rule said printing is now done.

Which was read and adopted.

Mr Poindexter introduced the following

RESOLUTION:

Resolved, That the Senate will proceed, on Monday next, to elect an enrolling clerk.

Which was read and adopted.

On motion of Mr Underhill, the Senate adjourned until to-morrow 10 o'clock.

THOMAS B. HANLEY, *President*.

* * *

Saturday, Nov. 13th, 1852.

Senate met pursuant to adjournment.

The roll was called by order of the president, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—20.

Prayer by A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Hon. A. S. Huey, the Senator from the counties of Calhoun and Ouachita, appeared and took his seat.

Mr Berry introduced the following

REOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative be requested, to use their best efforts to procure the passage of a law granting alternate sections of land for the purpose of constructing a railroad from the Arkansas river, at Van Buren, to Fayetteville, in Washington county; from there to Bentonville, in Benton county; and from thence to the Missouri State line, in the direction of St. Louis.

Which was read, and laid on the table one day, under the rule.

Mr Berry introduced the following

RESOLUTION:

Resolved, That the committee on public roads be instructed to inquire into the expediency of amending the 4th section of an act, approved December the 31st, A. D. 1850, under the head of roads and highways, so as to read "the townships," instead of "three townships;" also, the 8th section of said act, where a delinquent shall be excused, that he shall not be liable for costs, and that they report by bill or otherwise.

Which was read and adopted.

Mr Izard introduced the following

RESOLUTION:

Resolved, That the committee on internal improvements be instructed to inquire into the expediency of repealing the law distributing the proceeds of the 500,000 acre grant, among the several counties of this state; and, also, so much of the law in relation to common schools, as distributes the proceeds of the 72 section grant and the Saline grant among the counties, for common schools, with a view to the investment of the several funds above specified, in the stock of the contemplated railroad, from a point on the Mississippi river, opposite Memphis, Tennessee, to Fulton, on Red River—the stock so taken to pass to the credit of each specified fund, and the dividends arising therefrom to be appropriated by the General Assembly to the objects contemplated in the original grants.

Which was read and adopted.

Mr Hampton, from the standing committee on public printing, made the following

REPORT:

Mr President:

The committee on public printing, acting under the resolution instructing them to report, 1st, whether any contract has been entered into for the job work of the Senate, &c., &c., have directed me to report a communication from one of the publishers of this city, which is herewith transmitted.

HAMPTON, *Chairman*.

GAZETTE AND DEMOCRAT OFFICE,
Little Rock, Ark., 11th Nov., 1852.

Dear Sir: In reply to your inquiry on this morning, I have to state, for the information of the committee on public printing, that my contract with you, for such printing as you have ordered to be executed at my office, limits me, in my charges for such printing, to the same prices that were allowed the public printer at the last session of the General Assembly.

Respectfully,
Your obedient servant,
WM. E. WOODRUFF.

JOHN M. Ross, ESQ.,
Secretary of Senate.

Which were read.

No. 20. Mr, Hawkins, on leave, introduced a bill, to be entitled "an act to change the time of holding the probate court of Sevier county."

Which was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with, and the bill read a serond time.

On motion of Mr Hampton, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

No. 21. Mr Lemoyne, on leave, introduced a bill, to be entitled "an act to facilitate the collection of taxes on lands in this state."

Which was read a first time.

On motion of Mr Underhill, the rules of the Senate were dispensed with, and the bill read a second time; and, on further motion of Mr Underhill, the bill was referred to the committee on the judiciary.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT.

Mr President:

The committee on enrolled bills have delivered to the governor, for his approval, a resolution on printing, and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

The joint resolution of the Senate, instructing our Senators and reqesting our Representative in Congress, to use their best endeavors to procure the passage of an act by Congress, directing and requiring the secretary of the treasury of the United States, to pay over to the State of Arkansas the amount due her, on account of the net proceeds of the sale of lands lying within the state, sold by the general government since the first day of July, A. D. 1836, in accordance with the compact between the state and the general government, was read a second time, and adopted.

Senate bill No. 16, to be entitled "an act to authorize the qualified voters of this state to vote for or against a convention," was read a second time.

On motion of Mr Hampton, the bill was referred to the committee on elections.

Senate bill No. 19, to be entitled "an act to extend the jurisdiction of probate courts," was read a second time; and, on motion of Mr Underhill, it was referred to the committee on the judiciary.

Mr Chapman was called to the chair.

On motion of Mr Hampton, Mr Huey was substituted for himself, on auditor and treasurer's books.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have assented to Senate bill No. 7, to be entitled "an act to change the name of Ellen Kimbro to the name of Ellen Zachary, and to constitute her a lawful heir of Bartlett Zachary;" which is herewith returned.

The House have passed bill No. 27, to be entitled "an act to regulate and determine mileage, hereafter to be paid to members of the General Assembly;" which is herewith transmitted for the assent of the Senate, which is respectfully asked.

J. H. HOBBS.
Clerk of the House.

On motion of Mr Hampton, Messrs Huey and Clarke were added to the committee on internal improvements.

On motion of Mr Berry, the message from the House of Representatives was taken up and read.

House bill No. 27. to be entitled "an act to regulate and determine mileage, hereafter to be paid members of the General Assembly," was read a first time.

Mr Underhill moved to reject it; upon which motion, Mr Harley called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Billingsley, Chapman, Clarke, DeShongh, Fletcher, Hampton, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Underhill and Mr President—15.

Nays.—Messrs Berry, Davidson, Ellis, Harley, Miller, Mitchell, Poindexter and Rose—8.

So the bill was rejected.

Mr Maxwell moved that the Senate adjourn, but at the request of Senators, withdrew his motion.

Mr President, on leave, introduced the following

RESOLUTION:

Resolved, That a select committee of three be appointed by the chair, on the part of the Senate, to confer with such committee as may be appointed by the House of Representatives, for the purpose of making suitable and appropriate arrangements, preparatory to the inauguration of the governor elect, on Monday next.

Which was read.

On motion of Mr Hampton, the rules of the Senate were dispensed with, and the resolution taken up, read a second time, adopted, and transmitted to the House of Representatives for their concurrence.

The chair appointed Messrs Hampton, Mitchell and Clarke, a committee on the part of the Senate; of which the House of Representatives were informed.

Mr Hampton move to reconsider the vote taken on Mr Underhill's motion to reject House bill No. 27, to be entitled "an act to regulate and determine mileage, hereafter to be paid to members of the General Assembly."

Before the question was taken on the motion to reconsider, Mr. Underhill moved that the Senate adjourn; upon which motion, Mr Hampton called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Billingsley, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Harrison, Hawkins, Henson, Izard, Lemoyne, Miller, Mitchell, Underhill and Mr President—16.

Nays.—Messrs Berry, Hampton, Harley, Huey, Maxwell, Poindexter and Rose—7.

So the Senate adjourned.

THOMAS B. HANLEY, *President.*

Monday, Nov. 15th, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names.

Messrs Berry, Billingsley, Chapman, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—21.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate, appointing a committee to confer with such committee as may be appointed by the House of Representatives, for the purpose of making suitable and appropriate arrangements, preparatory to the inauguration of the governor elect.

The committee on the part of the Honse of Representatives are Mesrrs Coldwell, Caruthers, Wood, Marshall and Totten,

J. H. HOBBS,
Clerk of the House.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have passed a bill, to be entitled "an act for the relief of John H. Hammack, late contractor of the state penitentiary."

The House of Representatives have also adopted the following joint resolutions, to wit:

A joint resolution, instructing our Senators and requesting our Representative in Congress, to use all honorable means to procure the passage of the bills now before Congress, donating lands for the improvement of Black and White rivers, in the State of Arkansas.

A joint resolution, instructing our Senators and requesting our Representative in Congress, to use their influence, at the proper department in Washington city, to have the $100,000, appropriated for the removal of the raft in Red river, so expended as not only to remove the existing obstruction in that river, but to insure navigation for a series of years, by requiring the contractor or contractors to prevent the floating timber from stopping in the raft region of the river, during said series of years.

A joint resolution, that a respectful memorial be sent to Congress, praying the passage of the bill before that body, granting land to the State of Arkansas, to aid in the construction of railroads within the state.

A joint resolution, instructing our Senators and requesting our Representative, to use their influence to procure the passage of a law, granting to each head of a family 160 acres of land, exempt from execution.

A joint resolution, instructing our Senators and requesting our Representative in Congress, to use their influence, to procure the establishment of a mail route, from Danville, in Yell county; thence to Milton Galbreath's, in Scott county; thence to F. G. Gaines', in Scott county; and, for the establishment of post offices on said route, at William Parks', in Yell county, and Milton Galbreath's, in Scott county.

A joint resolution, instructing our Senators and requesting our Representative in Congress, to use their influence, to have the mail service on route No. 6007, from Rockport to Murfreesboro, increased to weekly trips, and the route extended to Lost Creek P. O., in Saline county.

A joint resolution, instructing our Senators and requesting our Representative in Congress, to use their best exertions, to procure a river mail from Jacksonport, at the mouth of Black river, to Pocahontas, Arkansas, to be carried once a week and back by steamboats.

A joint resolution, instructing our Senators and requesting our Representative, to use all just means, to procure the passage of a law by Congress, granting alternate sections of land to the state, to aid in the construction of a railroad, from Van Buren, by way of Fayetteville and Bentonville, to the Missouri state line, and requiring the secretary of state to furnish our Senators and Representative with a copy of the same.

A joint resolution, requesting our Representative in Congress, to use his influence, in procuring the passage of the bill, which heretofore passed the Senate of the United States, granting alternate sections of land, &c., for the construction of the railroad from Gaines' Landing, on the Mississippi river, to Fulton, on Red River.

I am further instructed to inform you, that the House of Representatives have passed a bill, to be entitled "an act for the relief of Benjamin F. Danley, late sheriff of Pulaski county."

All of which are herewith transmitted for the assent and concurrence of your honorable body, which is respectfully asked.

I am further instructed to inform your honorable body, that the House of Representatives have unanimously concurred in the preamble and resolutions of the Senate, in relation to the deaths of Hon. John C. Calhoun, of South Carolina, Hon. Henry Clay, of Kentucky, and Hon. Daniel Webster, of Massachusetts, and have caused the same to be spread upon their journal.

J. H. HOBBS,
Clerk of the House.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined "an act to change the name of Ellen Kimbro to Ellen Zachary, and to constitute her a lawful heir to the estate of Bartlett Zachary;" also, a resolution on the death of Hon. John C. Calhoun, Hon. Henry Clay and Hon. Daniel Webster, and instructed me to report the same correctly enrolled.

W. C. MITCHELL, *Chairman.*

Mr Hampton, from a joint select committee, made the following

REPORT:

Mr President:

The committee of the two houses of the General Assembly, appointed to make appropriate arrangements for the inauguration of General Elias N. Conway as governor of the state, have adopted, and instructed me to report, the following order of proceedings, on the occasion:

PROGRAMME.

A procession will be formed in front of the state house, at the hour of 11 o'clock, A. M., by the marshal of the day and his assistants, in the following order:

1. Music.
2. The committee of arrangements,
3. Clergy.
4. Judiciary.
5. Members and ex-members of Congress,
6. Officers of the federal government,
7. Officers of the state government.
8. Officers and members of the Senate.

9. Officers and members of the House of Representatives.
10. Mayor and aldermen of the city of Little Rock.
11. Masonic fraternity.
12. Independent order of Odd Fellows.
13. Literary and other societies.
14. Little Rock Fire Company.
15. Citizens and strangers.

When formed, the procession will move under the direction of the marshal, to the residence of the governor; and, having received him, will proceed to the residence of the governor *elect;* and escort them to the Representatives' hall, where the following proceedings will be had.

After the procession enters the hall, the ceremonies will be in the following order:

1. Music.
2. Prayer.
3. Music.
4. Valedictory of the governor.
5. Music.
6. Oath of office, to be administered by Chief Justice WATKINS.
7. Inaugural address.
8. Music.
9. Benediction.
10. Music.
11. National salute.

The committee have appointed, as marshal of the day, General Thomas D. Merrick, who is charged with carrying out the foregoing arrangements, and will select such assistant morshals as he may deem proper. All of which is respectfully submitted.

JNO. R. HAMPTON,
Chairman on part of Senate,

Which report was read and adopted.

Mr Miller introduced a memorial, asking Congress to donate to the State of Arkansas, all the public lands within her limits, for the purpose of internal improvement and education.

Which was read, and on motion of Mr Miller, it was referred to the committee on memorials.

Mr Mitchell introduced the following

RESOLUTION:

Resolved, That it shall be the duty of the enrolling clerk to engross all bills or resolutions, that shall be ordered to be engrossed, by the Senate.

Which was read and adopted.

On motion of Mr Poindexter, the Senate proceeded to elect an enrolling clerk, and engrossing clerk for the Senate.

The chair proclaimed that nominations were in order.

Whereupon, Mr Poindexter nominated Ezra McCall Tate, of, Marion county.

No other nominations being made, the roll was called, and Ezra McCall Tate received 23 votes.

Those Senators who voted for Ezra McCall Tate, are Messrs Berry, Billingsley, Burrow, Chapman, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—23.

Whereupon, the president announced, that Ezra McCall Tate, having received the unanimous vote of the Senate, was duly elected enrolling and engrossing clerk of the Senate, for, and during the present session of the General Assembly.

On motion of Mr Hampton, the Senate took a recess until 11 o'clock, A. M.

At 11 o'clock, A. M., the Senate convened.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives is now ready to receive the Senate, for the purpose of inaugurating the governor elect; in accordance with a joint resolution of the two Houses, of Saturday last.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Hampton, the Senate repaired to the hall of the House of Representatives, and were seated.

After the ceremonies of the inauguration were concluded, the Senate returned to their chamber.

On motion of Mr Lemoyne, the Senate adjourned.

THOMAS B. HANLEY, *President.*

* * *

Tuesday, Nov. 16th, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsly, Chapman, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—20.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Ezra McCall Tate, Esq, was sworn into office, as enrolling and engrossing clerk of the Senate, by James A. Hutchings, Esq., a justice of the peace of Pulaski county, and entered on the discharge of his duties.

Mr Harley introduced the following

RESOLUTION:

Resolved, That the committee on elections, have leave of the Senate, to sit during the session of the Senate, as long as may be necessary to a full investigation of the contested election, from the Senatorial district, composed of the counties of Crawford and Sebastian; and that said committee be allowed further time to report.

Which was read and adopted.

Mr Hampton introduced the following

RESOLUTION:

Resolved, That his excellency, the governor, be respectfully requested to communicate to the Senate, for the use of the internal improvement committee, the report made to the executive, by the swamp land commissioner, on the first Monday of October, 1851.

Which was read and adopted.

Mr Berry introduced the following

PREAMBLE AND RESOLUTION:

Whereas, It is the wise policy of all good governments, to foster the improvement of the condition of the people, and to secure to them comfort and happiness; and,

Whereas, The general government is the owner of large extent of territory within the State of Arkansas, which is of no benefit to the general government, and under existing laws, is not a source of revenue to the State of Arkansas, and to the end that the people may be benefited by securing a home, and that the State of Arkansas may increase her source of revenue, and thus, be enabled to relieve herself from a portion of the large debt which now embarrasses her in her struggle in the march improvement; Therefore,

Be it resolved by the General Assembly of the State of Arkansas, That our Senators, in Congress be instructed, and our Representatives requested, to use their best exertions, to cause the passage of a law, granting to every actual settler within the state of Arkansas, who is the head of a family, forty acres of the pulic domain, to be chosen by him or her, upon payment of the office fees.

Which was read, and laid on the table one day under the rule.

Mr Poindexter, from the committee on ways and means, made the following

REPORT:

Mr President:

The committee on ways and means, to whom was referred the memorial of R. H. Butrom, report that they have considered the same, and instructed me to report the accompanying bill, and recommend its passage.

POINDEXTER, *Chairman.*

Which was read and received.

No. 22. The bill accompanying i', to be entitled "an act for the relief of R. H. Butrom, of the county of Pope,' was read a first time, and ordered to a second reading on to-morrow.

Mr Chapman, from the committee on enrollments, made the following

REPORT:

Mr President;

The standing committee on education, to whom was referred so much of the governor's message as relates to education; and the seventy-wo sections of land, donated to the State of Arkansas, to aid her in endowing a seminary of learning; also, so much as relates to common schools, ask leave to report, in part, upon the several subjects thus referred to them by the accompanying bill.

CHAPMAN, *Chairman*.

Which report was read and received.

No. 23. The bill accompanying it, to be entitled "an act to amend the common school system in the State of Arkansas," was read a first time, and ordered to a second reading on to-morrow.

Mr Clarke was called to the chair.

No. 24. Mr President, on leave, introduced a bill, to be entitled "an act to repeal the 3d section of the 170th chapter of the Digest of the laws of this state, and for other purposes:"

Which was read a first time.

On motion of Mr Huey, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Huey, the bill was referred to the committee on the judiciary.

The joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to use their influence, to have the mail service on route No. 6,007, from Rockport to Murfreesboro', in Arkansas, increased from a trip once in two weeks, to a weekly trip, and have the route extended from Rockport to Lost Creek post office, in Saline county, was read a first time, and ordered to lie on the table one day.

Joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to use their influence to procure the passage of a law, granting a mail route from Danville, in Yell county, to William Parks'; thence to Milton Galbreath's, in Scott county; thence to F. G. Gaines'; and the establishment of post offices at Parks', in Yell county, and Galbreath's, in Scott county, was read a first time, and ordered to lie on the table one day, under the rule.

Joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to use all just means to procure the passage of a law by Congress, granting alternate sections of land to the state, to aid her in the construction of a railroad from Van Buren, in the State of Arkansas, by way of Fayetteville and Bentonville, to the Missouri State line, was read a first time.

On motion of Mr Berry, the rules of the Senate, requiring joint resolutions to lie on the table one day, were dispensed with, and the resolution taken up and read a second time.

Mr Berry moved its adoption; but at the request of Mr Huey, he withdrew the motion to adopt, and let the the resolution lie on the table until to-morrow.

The joint resolution of the House of Representatives, instructing our Senators, and requesting our Representatives, in Congress, to use their best exertions to procure a river mail from Jacksonport, at the mouth of Black river, to Pocahontas, once a week, in steamboats, was read a first time, and ordered to a second reading on to-morrow.

Joint resolution of the House of Representatives, instructing our Senators, and requesting our Represntative, in Congress, to use their influence with the proper department at Washington City to have the $100,000, recently appropriated for the removal of the Raft, in Red river, so expended, as not only to remove the existing obstruction in that river, but to ensure navigation for a series of years, by requiring the contractor or contractors to prevent the floating timber from stopping in the raft region of the river, during the said seasons, of the year, was read a first time, and laid on the table one day, under the rule.

Joint resolution of the House of Representatives, praying the passage of the bill, now before Congress, to grant land to the State of Arkansas, for the purpose of aiding in the construction of railroads in the state, was read a first time, and laid on the table one day.

Joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to use their influence to procure the passage of a law, granting to each head of a family, 160 acres of land, exempt from execution, was read a first time, and laid on the table one day, under the rule.

Joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, to use all honorable means to procure the passage of those acts as soon as practicable, donating lands for the improvement of White and Black rivers, was read a first time, and ordered to lie on the table one day.

Joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to procure the passage of the law, which heretofore passed the Senate of the United States, granting alternate sections of land for the construction of the railroad from Gaines' Landing, on the Mississippi river to Fulton, on Red river, was read a first time, and ordered to lie on the table one day.

House bill No. 3, to be entitled "an act for the relief of Benjamin F. Danley, late sheriff of Pulaski county," was read a first time.

On motion of Mr Fletcher, the rules of the Senate were dispensed with, and the bill read a second time.

Mr Fletcher moved to suspend the rules of the Senate, and read a third time.

Pending which, the bill was, on motion of Mr Chapman, referred to the committee on ways and means

On motion of Mr Berry, Mr Fletcher was added to the committee on ways and means.

House bill No. 14, to be entitled "an act for the relief of John J. Hammack, late contractor of the state penitentiary," was read a first time.

On motion of Mr Harley, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Harley, the bill was referred to the committee on claims.

The joint resolution of the Senate, instructing our Senators, and requesting our Representative, in Congress, to procure the passage of a law, granting alternate sections of land for the purpose of constructing a railroad from the Arkansas river, at Van Buren, to the Missouri State line, in the direction of St. Louis, was read a second time.

On motion of Mr Chapman, it was laid on the table indefinitely, because one of a similar character had been introduced by the House of Representatives, and was now before the Senate for concurrence.

Mr President resumed the chair.

Senate bill No. 10, to be entitled "an act to exempt a homestead from execution," referred to the committee of the whole, on the 1st inst., and made the order of the day for to-morrow was taken up.

On motion of Mr Izard, the Senate resolved itself into committee of the whole, on said bill.

Mr Underhill in the chair.

After sometime spent therein, the committee of the whole arose, and reported the bill back to the Senate, with the following amendments:

Insert between the words "being" and "the," in the 2d line of the 1st section, the words, "a householder or:" Insert after the word "homestead," in the 3d line of the 1st section, the words, "exempt from sale on execution, (except as hereafter mentioned:") Insert between the words, "land" and "with," the words, "or one town or city lot, being the residence of such householder or head of a family." Strike out the words, "not to exceed in value five hundred dollars," in the 4th and 5th lines of the 1st section. Strike out the 2d, 3d, 4th and 5th sections of the bill.

Insert the following as additional sections:

Sec. —— *Be it further enacted*, That before any person can avail himself or herself of the privileges and benefits of this act, he or she shall make out a schedule, describing the homestead by metes and bounds, and place the same on record in the office the clerk of the county in which the same is situated.

SEC. —— *Be it further enacted*, That it shall be the duty of the several clerks of the county courts of this state, to keep a book, in which he shall record the claims of the several homestead claimants in his county, and that he shall have the same fees for such service as he has by law, at this time, for similar services.

Strike out the word, "taxation," in the 2d line of the 7th section, and insert in lieu thereof, the words, "sale for taxes." Strike out the words, "by mortgage or execution on said premises," in the 3d line of the 7th section, and insert in lieu thereof, the words, "or debts contracted." Strike out the words, "passage of this act," in the 3d line of the same section, and insert in lieu thereof, the words, "recording of said homestead."

On motion of Mr Poindexter, the bill and report were laid on the table for the present.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have assented to Senate bill No. 6, entitled "an act to incorporate the town of Huntsville."

Which is herewith returned.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Fletcher, the Senate adjourned.

Wednesday, Nov. 17th, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Huey, Izard Lemoyne, Maxwell, Mitchell, Miller, Poindexter, Rose, Underhill and Mr President—21.

Prayer by Rev. A. R. Winfield, chaplain.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have passed House bill No. 44, to be entiled "an act to incorporate the town of Searcy."

Also, House bill No. 56, to be entitled "an act for the relief of Urban E. Fort, sheriff of Independence county."

The House of Representatives have also adopted a joint resolution, making the committee upon banks, auditor and treasurer's books, and ways and means, of both Houses, joint committees.

All of which are herewith transmitted for the assent and concurrence of the Senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

The journal of yesterday was read and approved.

Mr Hampton; from the joint standing committee on public printing, made the following

REPORT:

Mr President:

The joint committee on public printing, acting under a resolution, instructing them to contract for the printing which may be ordered by the present General Assembly, &c., have, upon examination and comparison of the bids proposed, ascertiained that R. H. Johnson, proprietor of the "True Democrat" printing office, proposes to execute the job work, necessary for the present session, at lower and more favorable terms than either of the other bidders; therefore, I am instructed to report the following

RESOLUTION:

Resolved, That the secretary of the Senate be instructed to contract for the job-printing, which may be ordered by the Senate, with said R. H. Johnson; which printing shall be done and paid for, upon the terms proposed by Mr Johnson, in his bid, dated the 15th inst., and now in the hands of the committee.

J. R. HAMPTON,
Chairman on part of Senate.

Which report was read and received.

The resolution accompanying it was read and received.

Mr Harley, from the committee on arrangements, made the following

REPORT:

Mr President:

The committee on elections, to whom was referred the report and papers, in relation to the contested election, from the fourth Senatorial district, composed of the counties of Crawford and Sebastian, have had the subject matter under consideration, and have instructed me to report the following facts and conclusions:

It appears from the certificate of the secretary of state, that according to the returns made to that office from the counties of Crawford and Sebastian; that,

In the county of Crawford, George W. Clarke received, 494 votes,
" " Abram G. Mayers received, 185 "
In the county of Sebastian, George W. Clarke received, 185 "
" " Abram G. Mayers received, 524 "
Whole number of votes in the two counties for G. W. Clarke, 679,
Whole number of votes in the two counties for A. G. Mayers, 749,
leaving a majority of 30 votes in favor of A. G. Mayers, as appears from the returns made to the office of secretary of the state; but your committee on further examination, find that the poll books

from three townships, in Sebastian county, were rejected by the clerk, and justice of the peace and householder, called to his assistence, for the following reasons:

1st. The poll book from Center township, was rejected, for the reason, that the poll book was not attested by the clerks, or properly sealed.

2d. The poll book of Bates township, was rejected for the reason, that it did not appear, that the judges were sworn, and delivered unsealed.

3d. The poll book from Sugarloaf township, was rejected because not sealed, and not certified by judges and clerk.

The poll book from Center township, shows, that G. W. Clarke received, - - - - - - - 47 votes,

The poll books from Center township, shows, that A. G. Mayers received, - - - - - 6 votes.

The poll books from Sugarloaf township, shows, that George W. Clarke received, - - - - - - 61 votes,

The poll books from Sugarloaf township, shows, that Abram G. Mayers received, - - - - - 29 votes.

Making an aggregate vote in said three townships, for George W. Clarke, - - - - - - 152 votes,

Making an aggregate vote in said three townships, for Abram G. Mayers, - - - - - - 36 votes.

Upon the propriety of counting the votes cast, at Bates township a question might have arisen in the minds of your committee, but for the fact, that the result would not have been changed thereby; acting upon the principle, as expressed in the 57th section of chapter 61 of the Digest of the statutes of Arkansas, as follows: "Informality in the certificate of the judges and clerks at any election, held in any township, shall not be good cause for rejecting the poll book of said township.

Your committee have come to the unanimous conclusion to restore the three townships above alluded to, to the list of votes given in said election, which will present the following state of the polls:

Whole number of votes for George W. Clarke, - 831,
" " " Abram G. Mayers, - 745.

Majority of votes for George W. Clarke, 86.

It appears, in this case, that the informality complained of, at least, so far as two of the rejected poll books are concerned, was committed after the electors had performed their duty in accordance with law. And having thus discharged their duty, it would be injustice, and destructive to the sacred rights of suffrage to suffer the supervisors of the polls to disappoint and defect the express will of the people, by such negligence or omission.

Your committee have, therefore, instructed me to report, and recommend the adoption of the following

RESOLUTION:

Resolved, That George W. Clarke, is hereby declared the duly elected Senator for the 4th Senatorial district, composed of the counties of Crawford and Sebastian, and is entitled to retain his seat as such.

All of which is respectfully submitted, and your committee ask to be disharged from the further consideration of the subject.

B. C. HARLEY, *Chairman.*

Before the reading of the report of the committee, Mr Abram G. Mayers was, on motion of Mr Poindexter, permitted to take a seat within the bar of the Senate.

The report was then read.

The president stated to the Senate that he wished the sense of the Senate, on the latitude that should be given to Mr Mayers, in his address—whether he should be confined to the matter of law set forth in the report or not.

Mr Harley moved that Mr Mayers be permitted to address the Senate on points of law and fact involved or connected with the subject under consideration.

Which motion prevailed; and Mr Mayers proceeded to address the Senate.

Mr Mayers, being called to order by the president, requested permission to appear before the Senate on to-morrow, by his counsel.

Mr Clarke moved that the rules be suspended, and that Mr Mayers be permitted to proceed with his address, out of order.

Which motion the chair refused to entertain, deciding it to be out of order.

Mr Mitchell moved that Mr Mayers be permitted to appear to-morrow, by his counsel, and address the Senate.

Which motion prevailed.

Mr Huey moved that no further action be taken on the report of the committee, until to-morrow.

Which motion prevailed; and the report laid on the table until to-morrow.

On motion of Mr Berry, Mr DeShong was granted leave of absence for an indefinite period of time.

Mr Burrow from the committee on the judiciary, made the following

REPORT:

Mr President:

The judiciary committe, to whom was referred the memorial of James Forsman, together with the report of the Senate select committee thereon, instruct me to report that the memorialist has his remedy at law, by *mandamus nisi*, and that it would be bad policy to invite petitions of this kind into the legislature, by granting the prayer of the petitioner in this behalf. Your committee have also learned, that the claim of said memorialist is in a fair way to be adjusted, without the assistance of the legislature, or the aid of courts, and therefore ask to be discharged from further consideration of this memorial.

N. B. BURROW, *Chairman.*

Which report was read and adopted.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill, to be entitled "an act for the relief of William B. Isbel," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its rejection, as they believe the case is sufficiently provided for by existing laws.

N. B. BURROW, *Chairman.*

Which report was read and adopted, and the bill thereby rejected.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill, to be entitled "an act to amend the 117th chapter of the statutes of Arkansas," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend rejection.

N. B. BURROW, *Chairman.*

Which report was read.

The question being on its adoption, Mr Berry called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Burrow, Clarke, Ellis, Fletcher, Hampton, Harley, Hawkins, Huey, Lemoyne, Miller, Poindexter, Underhill and Mr President—13.

Nays.—Messrs Berry, Billingsley, Chapman, Davidson, Harrison, Henson, Izard, Maxwell, Mitchell and Rose—10.

So the report was adopted, and the bill thereby rejected.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred "an act for the relief of John W. Williams, of Mississippi county," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

N. B. BURROW, *Chairman.*

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements have had under consideration Senate bill No. 5, to be entitled "an act amendatory of the several acts in relation to the sale and price of the 500,000 grant," and have instructed me to report the same back, with the following amendments, and recommend its passage.

UNDERHILL, *Chairman*.

Strike out all of section 2, and insert in lieu thereof,

That in all cases where any of the 500,000 acre grant, donated to this state for internal improvement purposes, has been sold at $2 per acre, and the purchaser or purchasers have failed, or may fail, to make payment therefor, according to the terms upon which they purchased, the land shall revert back to the fund to which it belongs, as fully and effectually as if it never had been contracted for.

Sec. 3. That it shall be the duty of the land agent, or other officer having charge of the duties now imposed on the land agent, to offer said land, when forfeited, at public sale, to the highest bidder, on the terms now prescribed by law, for the sale of the 500,000 acre grant: First, giving thirty days notice of the time and place of sale, in two newspapers published in this state.

Sec. 4. That if said lands, or any part thereof, remain unsold, for the want of bidders, the same may be sold at private sale, at $1 25 per acre, on the terms now prescribed by law for the sale of the $500,000 acre grant: *Provided*, The land attorney, before said land shall be forfeited or resold, shall give at least three months notice, in some newspaper published in this state, of such intended forfeiture, stating by whom the land was purchased, the amount then due from the purchaser or purchasers, and notifying them, and all others concerned, that if the whole amount due is not paid by the time specified in said notice. the land will revert back to the state, and be sold, according to the provisions of this act.

Which report was read and received.

On motion of Mr Underhill, the amendments were taken up, read and adopted.

The bill, as amended, was then read a second time.

On motion of Mr Underhill, the bill was ordered to be engrossed for a third reading on to-morrow.

No. 25. Mr Ellis, on leave, introduced a bill, to be entitled "an act to reduce the price of the 16th sections, in the counties of Green and Randolph."

Which was read a first time, and ordered to a second reading on to-morrow.

The joint resolution of the House of Representatives, instructing our Senators and requesting our Representative in Congress, to use their influence, to have the mail service on route No. 6007, from Rockport to Murfreesboro, increased to weekly trips, and have said route extended to Lost Creek P. O., in Saline county, was read a second time, and concurred in by the Senate.

Mr Rose was called the chair.

The joint resolution of the House of Representatives, instructing our Senators and requesting our Representative in Congress, to use their influence to procure the passage of a law, granting a mail route from Danville, in Yell county, *via* William Parks', Milton Galbreath's, to F. G. Gaines', and the establishment of post offices at Parks' and Galbreath's, was read a second time, and concurred in by the Senate.

The joint resolution of the House of Representatives, instructing our Senators and requesting our Representative in Congress, to use all just means to procure the passage of a law by Congress, granting alternate sections of land to the state, to aid her in the construction of a railroad from Van Buren, by the way of Fayetteville and Bentonville, to the Missouri state line, was taken up and read.

Mr Billingsley moved to strike out the words "the Missouri state line," and insert, in lieu thereof, "Springfield, in the State of Missouri."

Which motion prevailed, and the resolution, as amended, read and concurred in by the Senate.

The joint resolution of the House of Representatives, instructing our Senators and requesting our Representative in Congress, to use their best exertions, to procure a river mail, from Jacksonport, at the mouth of Black river, to Pocahontas, and back, once a week, by steamboats, was read a second time, and concurred in by the Senate.

Mr Underhill introduced the following:

Rule 48. *Resolved*, That all resolutions instructing our delegation in Congress, be referred to the committee on memorials, with instructions to said committee to memorialize Congress on the subject embraced in such resolutions.

Which was read a first time.

On motion of Mr Underhill, the rules of the Senate were dispensed with, the resolution taken up, read a second time, and adopted by the majority required by the 37th standing rule of the Senate.

The joint committee pf the House of Representatives, requesting our Representative in Congress, to use his influence in procuring the passage of the bill, which heretofore passed the Senate of the United States, granting alternate sections of land, for the construction of the railroad from Gaines' Landing, on the Mississippi river to Fulton, on Red river, was read a second time, and referred to the committee on memorials, under the rule.

The joint resolution of the House of Representatives. praying the passage of the bill now before Congress, granting land to the state for the construction of railroads, was read a second time, and referred to the committee on memorials, under the rule.

The joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to use their influence with the proper department at Washington City, to have the $100,000, recently appropriated for the removal of the Raft in Red river, so expended, as not only to remove the existing obstruction in that river, but to ensure navigation for a series of years, by requiring the contractor or contractors to prevent the floating timber from stopping in the Raft region of the river, was read a second time, and referred to the committee on memorials, under the rule.

The joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to use their influence to procure the passage of a law, granting to each head of a family 160 acres of land, exempted from execution, was read a second time, and referred to the committee on memorials, under the rule.

The joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to use all honorable means to procure the passage of a law by Congress, donating land for the improvement of White and Black rivers, was read a second time, and referred to the committee on memorials, under the rule.

The joint preamble and resolution of the Senate, instructing our Senators, and requesting our Representative, in Congress, to use their best exertions to cause the passage of a law, granting to every actual settler within the State of Arkansas, 40 acrers of the public lands, upon payment of the office fees, was read a second time, and referred to the committee on memorials, under the rule.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Reprerentatives have adopted the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That Dr A. Padon be invited to address the two Houses on the geology and mineralogy of the State of Arkansas, on Friday next, at 3 o'clock, P. M., in the hall of the House of Representatives, and respectfully ask the concurrence of the Senate.

J. H. HOBBS,
Clerk of the House.

Senate bill No. 22, to be entitled "an act forthe benefit of R. H. Butrom, of the county of Pope," was read a second time, and ordered to a third reading on to-morrow.

Senate bill No. 23, to be entitled "an act amending an act to amend the common school system in the State of Arkansas," was read a second time.

Mr Harley moved to refer the bill to the committee on education.

But upon Mr Chapman stating, that the bill was reported by the committee on education, and contained the views of its members, Mr Harley withdrew his motion to refer it.

On motion of Mr Lemoyne, Senate bill No. 22, to be entitled "an act for the benefit of R. H. Butrom, af the county of Pope," was taken up.

On further motion of Mr Lemoyne, the rules of the Senate were dispensed with, the bill read a third time, and passed.

Senate bill No, 13, to be entitled "an act for the relief of John W. Williams, of Mississippi county," reported back from the committee on judiciary, was read a third time, and passed.

Mr President resumed the chair.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The commiitee on enrolled bills, have, this day, delivered to the governor, for his approval, "an act to change the name of Ellen Kimbro, to the name of Ellen Zachary, and to constitute her a lawful heir to the estate of Bartlett Zachary;" also a resolution on the death of the Hon. John C. Calhoun, the Hon. Henry Clay and Hon. Daniel Webster-

WM. C. MITCHELL, *Chairman.*

Mr Burrow introduced the following

REOLUTION:

Resolved by the General Assembly of the State of Arkansas, 1st. That the the federal government should acquire the Sanwich Islands and the island of Cuba.

2d. That a copy of these resolutions be forwared to each of our delegates in the Congress of the United States, and that they be requested to use their official influence to effect the objects specified in the 1st resolution, in this connection.

Which was read a first time.

Mr Clarke moved to dispense with the rules of the Senate, and take up the resolutions for a second reading.

But, at the request of Senators he withdrew his motion, and the resolutions laid on the table until to-morrow, under the rule.

On motion of Mr Huey, Senate bill No. 23, to be entitled "an act amending an act to amend the common school system in the State of Arkansas," was taken up.

On further motion of Mr Huey, the bill was referred to the committee on education, with instructions to report a bill, embracing the whole common school system.

Mr Burrow introduced the following

RESOLUTION:

Resolved, That in addition to the present standing committee, a committee be raised, entitled a committee on federal relations.

Which was read and adopted.

On motion of Mr Huey, the messages from the House of Representatives were taken up and read.

The resolution from the House of Representatives, making the committee of the two Houses, upon banks, upon the auditor and treasurer's books, and upon ways and means, joint committees, was read.

On motion of Mr Underhill, it was laid on the table indefinitely.

House bill No. 44, to be entitled "an act to incorporate the town Searcy," was read a first time, and ordered to a second reading on to-morow.

House bill No. 56, to be entitled "an act for the relief of Urban E. Fort, sheriff and collector of Iedependence county," was read a first time.

On motion of Mr Chapman, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Underhill, the bill was referred to the committee on ways and means.

The joint resolution from the House of Representatives, invitting Dr, A. Padon to address the two Houses on the geology and mineralogy of the State of Arkansas, on Friday next, at 3 o'clock, P. M., in the hall of the House of Representatives, was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with, the resolution taken, read a second time, and concurred in by the Senate.

Mr Lemoyne moved to take up Senate bill No. 10, to be entitled "an act to exempt a homestead from execution;" but at the request of Mr Fletcher, he withdrew his motion.

No 26. Mr Fletcher, on leave, introduced a bill, to be entitled "an act to amend the 2d section of the Digest of the State of Arkansas, under the head of taking up donated lands of the State of Arkansas,"

Which was read a first time, and ordered to a second reading on to-morrow,

No. 27. Mr Burrow, on leave, introduced a bill, to be entitled "an act to amend the statutes, on the subject of pulic highways," was read a first time.

On motion of Mr Huey, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr Huey, the bill was referred to the committee on public roads.

Mr Huey moved that the Senate adjourn;

Upon which motion, Mr Lemoyne called for the yeas and nays, which beiug sustained, were ordered.

Yeas.—Messrs Burrow, Chapman, Ellis, Fletcher, Hampton, Harley, Henson, Huey, Izard, Mitchell, Miller, Poindexter, Underhill and Mr President—14.

Nays.—Messrs Berry, Billingsley, Clarke, Davidson, Harrison, Hawkins, Lemoyne, Maxwell and Rose—9.

So the Senate adjourned until to-morrow morning 10 o'clock.

THOMAS B, HANLEY, *President.*

Thursday, Nov. 18th, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, Ellis, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne Maxwell, Miller, Mitchell. Rose, Underhill and Mr President—21.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Harrison presented the petition of John Halligan, of Drew county, representing, that in the year 1853, he located and purchased of the State, the northeast 1-4 of section 28, and the northwest 1-4 of section 27, in T. 10, south, R. 6 west, containing 320 acres; at $2 00 per acre, payable in ten annual installments.

The said location was made by the petitioner, while residing at Pine Bluff; that when he moved to it, he found the land to be fully three-fourths overflowed, and lying in an island of Able's creek; that he has cleared 50 acres of the land; erected a dwelling house, kitchen and out houses, and planted an orchard; that he is willing to relinquish his improvement, or to have his notes renewed at $1 25 per acre payable in five annual installments; and praying the extention of time, and relief asked.

Which was read, and on motion of Mr Harrison, referred to the committee on internal improvements.

Mr Harley introduced the following

RESOLUTION:

Resolved, That a committee of three be appointed, to act jointly with such committee as may be appointed on the part of the House of representatives, to wait on Dr. A. Padon, and invite him to address the two Houses, in the hall of the House of Representatives, on to-morrow evening, at 3 o'clock, upon the subject of the geology and mineralogy of the state.

Which was read a first time.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and the resolution taken up, read, and adpted.

The chair appointed Messers Harley, Lemoyne and Chapman, such committee, on the part of the Senate, and the House of Representatives informed thereof.

Mr Harley, from the committee on elections, made the folllowing

REPORT:

Mr President:

The committee on elections, to whom was referred a bill, to be entitled "an act to authorize the qualified voters of this state, to vote for or against a convention," have, according to order, had the same under consideration, and have directed me to report the same without amendment, with the recommendation that it be rejected.

Your committee are of the opinion, that there has been no general expression of opinion of the people of this state, in favor of such a proposition, and in view of the present depressed state of the treasury, such a measure at this time, would incur much trouble, and expense, without corresponding benefits.

B. C. HARLEY, *Chairman.*

Which was read and received.

No, 28. Mr Billingsley asked, and obtained leave, to introduce a bill, to be entitled "an act to incorporate the Cane Hill female seminary."

Which was read a first time.'

On motion of Mr Harley, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Huey, the bill was referred to the committee on education.

Message from the governor, by R. H. Johnson, Esq.

Mr President:

I am instructed by the governor to report to the Senate, that on the 17th Nov., 1852, he approved and signed an act entitled "an act to change the name of Ellen Kimbro to the name of Ellen Zachary, and to constitute her a lawful heir to the estate of Bartlett Zachary;" and, also, a joint resolution, expressing the sense of the General Assembly, relative to the deaths of the Hon. John C. Calhoun, Hon. Henry Clay and the Hon. Daniel Webster.

EXECUTIVE DEPARTMENT,
Little Rock, Ark., 18th Nov., 1852.

Hon. T. B. Hanley,
President of the Senate:

In answer to a resolution of the Senate, requesting the governor "to communicate to the Senate the report made by the executive, by the swamp land commissioners, on the first Monday of October, 1851," I inform the Senate, that I have made diligent search among the papers on file in the office of the executive, but can find no such report. My predecessor in office informed me that, according to his impression, the report called for was transmitted to the General Assembly with his message, at the opening of the present session.

I have no further information on the subject.

I am, with great respect,
Your obedient servant,
ELIAS N. CONWAY.

No, 29. Mr Miller, on leave, introduced a bill, to be entitled "an act changing the time of holding the probate courts in the county of Franklin, and for other purposes."

Which was read a first time.

On motion of Mr Ceapman, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Miller, the bill was referred to the committee on the judiciary.

On motion of Mr Chapman, the report made on yesterday from the standing committee on elections, on the contested election for Senator of the 4th district, composed of the counties of Crawford and Sebastian, was taken up and read.

In pursuance of a resolution of yesterday, Gen. S. H. Hempstead, the counsel for Abram G. Mayers the contestant, appeared within the bar of the Senate, and addressed the Senate in behalf of his client.

When Gen. Hemstead had concluded his remarks, the chair stated the question to be on the adoption of the resolution reported by the committee.

Mr Chapman called for the yeas and nays.

Mr Billingsley moved a call of the Senate.

Which motion prevailed.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsly, Burrow, Chapman, Davidson, Ellis, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rase, Underhill and Mr President—21.

Mr Billingsley withdrew his motion for a further call of the Senate.

The yeas and nays being sustained, on Mr Chapman's call, were ordered.

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Ellis, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—21.

So the resolution reported by the committee was unanimously adopted.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a preamble and resolution, which reads in these words:

WHEREAS, Divers persons are in the habit of meeting together in groceries and other places, and playing at cards, under a pretence of amusement; at the same time it frequently occurs that there is a secret betting, which has become annoying to the morals and thinking part of the community, and a bad example before the young and rising generation; Therefore,

Be it resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the law on gaming, so as to remedy the evil above alluded to, and that they report by bill or otherwise—

Have had the same under consideration, and have instructed me to report that no amendments are necessary to be made to the laws on gaming, but that the same are sufficient to suppress all illegal gaming, if the courts, grand jurors and citizens of the respective counties, will faithfully do their respective duties.

BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred "an act to amend chapter 4, of the statutes of Arkansas," have had the bill under consideration, and have directed me to report the same back to the Senate, and recommend its passage. They are of opinion that the bill will do good, and believe that no kind of act could make the administration laws much less than they now are.

N. B. BURROW, *Chairman,*

Which report was read and received.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill to be entitled "an act to amend the criminal law, under the head of Sabbath Breaking," have had the proposed act under consideration, and have directed me to report the same back to the Senate, recommend the striking out of the words "with guns," in the first section, and, if said words be so stricken out, then to recommend the passage of the bill.

BURROW, *Chairman.*

Which report was read and received.

Mr Berry moved to suspend the rules of the Senate, and take up the amendment.

Which motion was lost.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill, entitled "an act to repeal the 3d section, of the 170th chapter, of the Digest of the laws of this state, and for other purposes," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage. As the law now is, *femme covert* may have and hold property for her own use, but cannot dispose of it by will. Your committee are of opinion that the genius of American society requires that every property holder should have power to dispose of the property so held, by will. This power the married woman has not. But your committee believe that she should have it, or that the property should be taken from her, and given to her husband, or some other person, who by law has power to use, control and devise the same, and is considered by the state worthy of holding and giving direction to property.

N. B. BURROW, *Chairman.*

Which report was read and received.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have passed Senate bill No. 20, to be entitled "an act to change the time of holding the probate court of Sevier county," which is herewith returned.

The House of Representatives have also passed House bill No. 11, to be entitled "an act to change the time of holding the probate court of Drew county."

Also, House bill No. 13, to be entitled "an act to constitute William T. Hardy the lawful heir of Flavius S. White."

Which are herewith transmitted for the assent of the Senate, which is respectfully asked.

J. H. HOBBS.
Clerk of the House.

Mr Poindexter, from the committee on ways and means, made the following

REPORT.

Mr President:

The committee on ways and means, to whom was referred House bill No. 56, for the relief of Urban E. Fort, sheriff and collector of Independence county, have taken the same under consideration, and instructed me to report the same back, without amendment, and recommend its passage.

POINDEXTER, *Chairman.*

Which report was read and received.

Mr Poindexter, from the committee on ways and means, made the following

REPORT:

Mr President:

The committee on ways and means, to whom was referred House bill No. 3, for the relief of Benjamin F. Danley, late sheriff and collector of Pulaski county, have taken the same under consideration, and instructed me to report the same back, without amendment, and recommend its passage.

Respectfully submitted,
POINDEXTER, *Chairman.*

Which report was read and received.

Mr Lemoyne introduced the following:

Whereas, The office of the True Democrat, having contracted for the printing of the bills and proceedings of this General Assembly; and, WHEREAS, Many bills having, and will pass, of a general character, changing the time of holding courts, and for other purposes, which should be published as soon as possible; Therefore,

Be it resolved by this General Assembly, That all bills passed, becoming a law, shall have one publication in said paper, for the benefit and information of all parties interested.

Which was read.

On motion of Mr Hampton, it was laid on the table for the present.

House bill No. 44, to be entitled "an act to incorporate the town of Searcy," was read a second time, and ordered to a second reading on to-morrow.

Mr Harrison was called to the chair.

Mr Huey moved to take up Senate bill No. 10, to be entitled "an act to exempt a homestead from execution;" but at the request of Mr Clarke, withdrew his motion.

No. 30. Mr Clarke, on leave, introduced a bill, to be entitled "an act to incorporate the Van Buren Manufacturing Company."

Which was read a first time.

On motion of Mr Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Clarke, the bill was referred to the committee on the judiciary.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate, appointing a committee of three, to act in conjunction with such committee as might be appointed on the part of the House, to wait on Dr. Padon, to invite him to address the two houses, to-morrow, at 3 o'clock, on the geology and mineralogy of the etate.

The committee on the part of the House are Messrs Rutherford, Sullivan and Bevens.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Clarke, Senate bill No. 10, to be entitled "an act to exempt a homestead from execution," together with the report of the committee of the whole, were taken up.

The 1st amendment reported by the committee was read as follows:

Insert, between the words "being" and "the," in the 2d line of the 1st section, the words "a householder, or;" and, on motion of Mr Izard, adopted by the Senate.

Mr President resumed the chair.

The 2d amendment reported by the committee was read as follows:

Insert, after the word "homestead," in the 3d line, the words "exempt from sale on execution, except as hereafter mentioned;" and, on motion of Mr Izard, adopted by the Senate.

The 3d amendment, reported by the committee, was read as follows:

Strike out "80," in the 3d line of the 1st section, and insert in lieu thereof, "160;" and was adopted by the Senate.

The 4th amendment, reported by the committee, was read as follows:

Insert after the word, "land,,' in the 3d line of the 1st section; "or one town or city lot, being the residence of such householder or head of a family;" and was adopted by the Senate.

The 5th amendment, reported by the committee, was read as follows:

Strike out the words, "not to exceed in value five hundred dollars," in the 4th and 5th lines of the 1st section; and adopted by the Senate.

The 6th amendment, reported by the committee, was to strike out the 2d, 3d, 4th and 5th sections of the bill; which read as follows:

Sec. 2. *Be it further enacted*, That any free white person, as aforesaid, who may now have in his, her, or their own right, any lot or parcel of ground, within the corporation of any town or city of this state, free from all encumbrances, or may hereafter purchase any lot or parcel of ground within any town or city within this state, with the view of improving the same, and becoming actual residents thereon, which said improvement or improvements doth not exceed the sum of five hundred dollars in value, shall have the same benefits and privileges as embraced in the first section of this act.

Sec. 3. *Be it further enacted*, That, whenever a levy shall be made upon the lands and tenements, lots or parcels of ground, in any city or town, as aforesaid, of a householder, whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer, at the time of making such levy, of what he or she regards as his or her homestead, with a description thereof, within the limits above prescribed, and the remainder alone shall be subject to sale under such levy,

Sec. 4. *Be it further enacted*, That the officer, having charge of any execution or other writ against any such householder, the value of whose homestead shall not have been set apart, shall summons three disinterested householders of his county to value the same, and if the premises so valued exceed the amount herein before named as exempted, it shall and may be lawful for the officer having the writ or execution to levy the same upon the residue of said lands and tenements, not exempt by this act, and sell the same as in other cases by the statutes made and provided.

Sec. 5. *Be further enacted*, That if the premises so valued do not exceed the amount herein exempted, the plaintiff in said execution shall pay all costs incurred.

Which amendment was concurred in by the Senate, and said sections were stricken out.

The 7th amendment, reported by the committee, was read as follows:

Strike out the word, "taxation," in the 2d line of the 7th section, and insert in lieu thereof, "sale for taxes."

Mr Izard moved to reject it.

Upon, which motion, Mr Huey called for the yeas and nays.

Mr Izard, after debate, withdrew his motion, to reject the amendment.

When the question was taken, and the amendment adopted.

The 8th amendment, reported by the committee, was read as follows:

Strike out the words, "by mortgage or execution," in the 7th section, and insert in lieu thereof, "or debts contracted;" and was adopted by the Senate.

The 9th amendment, reported by the committee, was read as follows:

Strike out the words, "passage of this act," in the 3d line of the 7th section, and insert in lieu thereof, "recording of said homestead."

And upon the question being taken upon its adoption it was lost.

The 10th amendment, reported by the committee, was read as follows:

Sec. —— *Be it further enacted*, That before any person can avail himself or herself, of the privileges and benefits of this act, he or she, shall make out a schedule, describing the homestead by metes and bounds, and place the same on record, in the office of the clerk of the county in which the same is situated.

The question being on the adoption of the amendment, Mr Burrow called for the yeas and nays; which being sustained were ordered.

Yeas.—Messrs Berry, Billingsley, Chapman, Clarke, Huey, Izard, Lemoyne, Maxwell, Poindexter and Mr President—10.

Nays.—Messrs Burrow, Davidson, Ellis, Hampton. Harley, Harrison, Hawkins, Henson, Miller, Mitchell, Rose and Mr Underhill —12.

So the 10th amendment was lost.

The 11th amendment, reported by the committee, was read as follows:

Sec. —— *Be it further enacted*, That it shall be the duty of the several clerks of the county courts of this State, to keep a book, in which he shall record the claims of the several homestead claimants in his county; and that he shall have the same fees for such service, as he has by law at this time for similar service.

Mr Huey moved its adoption; but upon the question being taken, and a decision called for, the amendment was lost.

Mr Lemoyne offered the following amendment:

Provided nevertheless, That the provisions of section 7 shall not extend to any female, who is now, or may hereafter, become a widow; but that homesteads of widows shalt be free, and exempt from all debts or liabilities, whatever.

Which was read.

Mr Burrow offered the following, as an amendment to the amendment offered by Mr Lemoyne:

Provided, All widows who are rich and wealthy, shall pay taxes, as others.

Which was read.

On motion of Mr Harley, the amendments offered by Messrs Lemoyne and Burrow, were laid on the table.

Mr Izard moved to have the bill engrossed for a third reading on to-morrow; but at the request of Mr Burrow, he withdrew his motion;

When Mr Burrow offered the following amendment:

Sec. —— *Be it further enacted,* That the homestead shall be free from sale and execution for all debts contracted before the passage of this act, as well as all debts contracted after the passage of this act.

Which was read.

Mr Mitchell was called to the chair.

After debate, Mr Poindexter moved, that the question be taken on the adoption of the amendment.

The question being on its adoption, Mr Huey called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Burrow, Hawkins, Henson and Maxwell—4.

Nays.—Massrs Berry, Billingsley, Chapman, Clarke, Davidson, Ellis, Hampton, Harley, Harrison, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose and Mr President—18.

So the amendment was lost.

Mr Burrow offered the following amendment:

That all homesteads acquired after the passage of this act, shall be exempted from sale on execution for all debts contracted prior to the acquisition of the homestead.

Which was read.

Mr President offered the following amendment to the amendment:

Provided, Said debts were not in existence at the time of the passage of this act.

Mr Lemoyne moved to refer the bill and amendments to the committee on the judiciary; but at the request of Mr Huey, he withdrew his motion.

When Mr Huey offered a substitute for the bill and amendments.

Which was decided, by the chair, to be out of order.

On motion of Mr Underhill, the amendments were laid on the table.

Mr Underhill moved that the bill be engrossed, and read a third time on to-morrow; and called for the previous question.

The question, "shall the main question now be put," was stated from the chair, and decided in the affirmative?

The question on engrossing the bill for a third reading on to-morrow, was put, and decided in the affirmative.

On motion of Mr Hampton, the Senate adjourned.

THOMAS B. HANLEY, *President.*

Friday, Nov., 19th, 1852.

Senate met, pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Huey, Harrison, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and,

During its reading, Mr Maxwell asked, and obtained leave of the Senate, to change his vote from the affirmative to the negative, on the question of the adoption of the amendment offered by Mr Burrow, on yesterday, to Senate bill No. 10, to be entitled "an act to exempt a homestead from execution,," proposing to exempt all homesteads from sale on execution, for all debts contracted before and after the passage of the act.

After the reading of the journal was concluded, Mr Mitchell stated that the journal was incorrect for the reason, that it did not show, that the substitute, offered by Mr Huey, to the homestead bill was decided by the chair to be out of order, at the time it was offered.

The question, "shall the journal be amended?" was stated from the chair, and decided in the affirmative by the Senate.

On motion of Mr Mitchell, the substitute offered by Mr Huey, on yesterday, for the homestead bill, was expunged from the journal.

The journal was then amended, so as to show that Mr Huey offered a substitute for the bill and amendments; which the chair decided to be out of order; and that Mr Underhill's motion, to lay on the table, extended alone to the amendments, and not to the substitute; and being amended, was approved, and signed be the President.

Mr Clarke introduced the following

RESOLUTION:

Resolved, That so much of the 40th rule of the Senate, as prohibits a person from smoking within the bar of the Senate, be, and is hereby rescinded.

Which was read.

On motion of Mr Clarke, the 38th standing rule of the Senate was dispensed with, and the resolution received without notice.

On motion of Mr Clarke, the rules of the Senate were dispensed with, and the resolution taken up for action, and read a second time.

The question was then taken on the adoption of the resolution; and on a decision, decided in the negative—two-thirds of the Senators failing to vote for its adoption.

On motion of Mr Underhill, moved that Mr Harrison was added to the committee on internal improvements.

Mr Clarke introduced the following

RESOLUTION:

Resolved, That Professor Padon, be permitted to have the use of the Senate chamber to-night, for the purpose of delivering lectures on psychology.

Which was read, and adopted.

Mr Clarke introduced the following

RESOLUTION:

Resolved, That A. G. Mayers be entitled to received per diem pay, as if he had been a member of this Senate, up to, and including the 18th day of November, 1852, and mileage, at the rate of $3 C0 every 20 miles, necessary travel, in coming to and returning from the seat of government; and that the certificate of the president of the Senate be hereby directed to draw a warrant on the treasurer for the payment of the same, out of the appropriation to pay members and officers of the General Assembly.

Which was read.

On motion of Mr. Clarke, the rules of the Senate, requiring joint resolutions to lie on the table one day, were dispensed with, and the resolution taken up and read.

Mr Lemoyne offered the following amendment to the resolution:

Amend by striking out the words "out of the treasury," and insert "out of the mileage and per diem of George W. Clarke, present Senator. from the 4th district, composed of the counties of Crawford and Sebastian."

Which was read.

Mr Clarke offered the following as an amendment to the amendment:

"And that the Senatar from Yell county be directed to divide his pay and mileage with the deaf and dumb asylum at Clarksville."

Which was read.

After some debate on points of order, Mr Harley moved to lay the amendments on the table.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have adopted a joint resolution, relative to the acquisition of Cuba by the government of the United States; which is herewith transmitted for the assent of the Senate, which is respectfully asked.

The House of Representatives have also passed the following bills, namely:

House bill No. 30, to be entitled "an act to give the county court of Clark county jurisdiction over section sixteen, township seven, range nineteen."

House bill No. 32, to be entitled "an act to change the time of holding the probate courts of Franklin county."

House bill No. 75, to be entitled "an act to change the time of holding the probate court of Arkansas county."

House bill No. 76, to be entitled "an act to exempt certain persons from serving as jurors."

House bill No. 77, to be entitled "an act to constitute Elizabeth Ann Duncan a legal heir of William Duncan, deceased."

House bill No. 82, to be entitled "an act to call in the scrip of Madison county."

All of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr President:

I have the honor to present for your signature the enrollment of the act granting to Abraham Laster and James H. Laster, Daniel Farmer and William Davis, administrators, &c., the power to sell the personal property of their intestates' estates.

Also, the enrollment of the joint resolution of the two houses, instructing our Senators and requesting our Representative, to procure the passage of an act of Congress, granting to the State of Arkansas one entire sextion of land, in those fractional townships in which there are no sixteenth sections.

J. H. HOBBS,
Clerk of the House.

Mr Lemoyne moved to amend the motion of Mr Harley, by adding "the resolution."

Which motion was decided to be out of order by the chair.

The question was taken on Mr Harley's motion, and it prevailed.

The question was then taken on the adoption of the resolution, and decided in the affirmative, without a division.

Mr Harrison introduced the following

RESOLUTION:

Resolved, That Senate rule No. 48 be rescinded.

Which was read, and laid on the table, under the rule.

On motion of Mr Hawkins, Mr Lemoyne was added to the committee on internal improvements.

Mr Burrow introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the following amendments be proposed to the constitution of the state:

1st. That the judges of the supreme court, and the secretary of state, and the auditor, and the treasurer, shall be elected by the qualified voters of the state.

Which was read, and laid on the table for the present.

Mr Burrow, on leave, made the following report from the committee on the judiciary:

Mr President:

The committee on the judiciary, to whom was referred a bill, to be entitled "an act to extend the jurisdiction of the probate courts," have had the bill under consideration, and have instructed me to report the same back to the Senate, with three amendments. The first amendment, marked No. 1, is a proviso, to be added to the 3d section; and No. 2, a proviso, to be added to the 5th section; and the 3d amendment, a proviso, to be added to the 5th section.

Which amendments being adopted, your committee instruct me to recommend the passage of the bill.

All of which is respectfully submitted.

N. B. BURROW, *Chairman.*

Which report was read and received.

Mr Hampton submitted the following report from the internal improvement commissioner of Ashley county:

Longrow, Ashley Co., Ark., Nov. 8, 1852.

To the Hon. General Assembly of Arkansas:

Sirs: It is made the duty, by the 21st section of the act distributing the internal improvement fund among the counties, that each and every internal improvement commissioner should report to your honors what disposition he has made of that fund. In doing so, I would report to your honor, that I have complied with the law, as far as it has been in my power. Immediately on receiving said fund, I laid out a plan for the cleaning and improving the waters of the Saline river. I also conferred with the commissioners of the adjoining counties, in order to form a board. They refused to acquiesce in the matter. I therefore concluded to *go it alone*, and make a beginning. I therefore laid my plans and propositions before the county court of Ashley, for their approval. They refused to act on the subject. I have since then made several attempts to get the county court to do something within the intention and meaning of the law distributing said fund, but I have failed in every attempt to do so. The county court has gone so far as to pass an order, instructing me to loan out said fund. I can't find any law in the distribution of said fund that would justify me and my securities in so doing. Some want the fund put on county bridges and county roads, and there are some big fools enough to squander the fund on a railroad; but there is a large majority of our citizens who are in favor of improving the navigation of our water courses, or, in other words, of putting said fund where the least money will do the most good. Therefore, your commissioner would merely suggest, that it would be wise in the legislature, to unite the fund that belongs to the county of Ashley, Bradley, Drew and Dallas, for the improvement of the Saline river, as said counties border on the same. Your honor will plainly see, from this report, that my hands are tied, and that I cannot act as the law is at present.

Yours with respect,
PHILIP DERTON,
Internal Improvement Com. of Ashley Co.

Mr Huey submitted the following report from the internal improvement commissioner of Ouachita county:

To the Senate and House of Representatives
of the State of Arkansas:

In obedience to a law, passed two years ago, in relation to the law distributing the internal improvement fund of this state, of the 500,000 acre grant donated by the Congress of the U. S. to Arkansas, for internal improvement, do hereby make my report, in conformity to that law to your honorable body.

Notes received from old commissioners, and settlement with county court notes, to wit: One on A. J. Armstrong and Joseph Scott, for $405 58, - - - - -	$405 58
One on Wm. Hickman, P. Dyer, and H. M. Finn, for $387 60, - - - - - - -	387 60
Sum received from the auditor and treasurer, -	1003 05
	$1796 23

Making in all seventeen hundred and ninety-six dollars and twenty-three cents, besides interest. This amount of money is loaned out, with bond and security, bearing ten per cent. interest from date. None of the money has been expended on any work whatever. The treasurer and auditor of the state has the warrants issued to me for the funds, and is therefore a good witness against me, for the amount I have received. The above is duly submitted to your honorable body.

Your obedient servant,
JOS. VAUGHAN,
Commissioner of Ouachita county.

Mr Huey submitted the following report of the internal improvement commissioner of Dallas county:

To the Hon. the General Assembly
of the State of Arkansas:

The report of Edward M. Harris, internal improvement commissioner for Dallas county, required to be made, in pursuance of the act of the General Assembly in that behalf, respectfully showeth, that all the distributive share of the proceeds of the 500,000 acres of land, donated to the state for purposes of internal improvement, which has been paid over to and received by said county of Dallas, has not, as yet, been expended, or any part of the same; but, under order of the county court of Dallas county, has been loaned out at interest.

All of which is respectfully submitted.

EDWARD M. HARRIS,
Internal Improvement Commissioner.

Mr Harley, from a joint select committee, made the following

REPORT:

Mr President:

The joint select committee, appointed to wait upon Dr. A. Padon, and invite him to address the two houses of our state legislature, on this day, at 3 o'clock, P. M., in the hall of the House of Representatives, beg leave to report, that they have performed the duty assigned them, have the pleasure of reporting that Dr. A. Padon has accepted the invitation, and will deliver an address at the time and place above mentioned, upon the subject of the geology and mineralogy of the state.

B. C. HARLEY,
Chairman of Senate Committee.
S. M. RUTHERFORD,
Chairman of House Committee.

Which report was read and received.

No. 31. Mr Lemoyne, on leave, introduced a bill, to be entitled "an act to confirm certain sales."

Which was read a first time.

On motion of Mr Burrow, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Lemoyne, the bill was referred to the committee on the judiciary.

On motion of Mr Fletcher, the rules of the Senate were dispenspensed with, and Senate bill No. 26, to be entitled "an act to amend the 2d section of the Digest of the statutes of Arkansas, under the head of taking up donated lands of the State of Arkansas," taken up out of its order, and read a second time.

On further motion of Mr Fletcher, the rules of the Senate were again dispensed with, and the bill read a third time, and passed.

On motion of Mr Chapman, the rules of the Senate were dispensed with, and House bill No. 56, to be entitled "an act for the relief of Urban E. Fort, sheriff and collector of Independence county," taken up out of its order, read a third time, and passed.

Mr Burrow, on leave, made the following report, from the committee on the judiciary:

Mr President:

The committee on the judiciary, to whom was referred the bill, entitled "an act changing the time of holding the probate court of Franklin county, and for other purposes," have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

BURROW, *Chairman.*

Which report was read and received.

On motion of Mr Miller, the rules of the Senate were dispensed with, and Senate bill No. 29, to be entitled "an act changing the time of holding the probate court of the county of Franklin, and for other purposes," taken up, read a third time, and passed.

Message from the governor by R. H. Johnson, Esq.

Executive Department,
Little Rock, Ark., 19th Nov., 1852.

Hon, T. B. Hanley,
President of the Senate:

In response to a resolution of the Senate, requesting the governor "to furnish all information to the Senate, concerning of the leasing of the salt springs, showing who have been appointed to lease the same, and what amounts have been received for the use of the same,"

I state, that I have not found among the papers on file in the office of the executive, any information of the leasing of salt springs, or in relation to money received for the lease of any salt spring. My predecessor in office informed me, that he had no knowledge of any payments, and that since his communicaton to the House of Representatives, dated, Nov. 26th, 1850, and published in the journal of the House, for the session of 1850, on pages 139 and 140; he had received no additional information on the subject, except that upon application, he had, on the 9th October, 1851, appointed Eli Bell salt spring commissioner, and, that he had made no other appointment. Mr Eli Bell, it is stated, departed this life not logn after his appointment, and before he effected any laese of any salt spring.

Most respectfully,
your obedient servant,
ELIAS N. CONWAY.

On motion of Mr Fletcher, the rules of the Senate were dispensed with, and Senate bill No. 10, to be entitled "an act to exempt a homestead from execution," taken up out of its order, and read as engrossed.

Mr Burrow offered the following amedment, by way of rider:

That all homesteads acquired by purchase, grant, or otherwise, shall be exempt from sale on execution, for all debts contracted prior to the acquisition of said homestead, beyond the limits of this state.

Which was read.

The questiong was taken on its adoption, and it was lost.

Mr Izard moved to lay the bill on the table until Monday next.

Mr Huey moved to lay the bill on the table, until the 4th day of July next.

On which motion, Mr Poindexter called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Davidson, Ellis, Henson, Huey, Maxwell, Mitchell and Poindexter—9.

Nays.—Messrs Burrow, Chapman, Clarke, Fletcher, Hampton, Harley, Harrison, Hawkins, Izard, Lemoyne, Miller, Rose, Underhill and Mr President—13.

So the Senate refused to lay the bill on the table, until the 4th of July next.

Mr Izard renewed his motion to lay the bill on the table, until Monday next.

On which motion Mr Harley called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Fletcher, Hampton, Hawkins, Izard, Lemoyne, Miller, Poindexter, Rose and Underhill—13.

Nays.—Messrs Clarke, Davidson, Ellis, Harley, Harrison, Henson, Huey, Maxwell, Mitchell and Mr President—10.

So the bill was laid on the table, until Monday next.

Mr Harley moved, that the vote taken on the adoption of the resolution, to pay A. Mayers mileage and per diem, be reconsidered.

Which motion was seconded.

Before the question was taken on Mr Harley's motion to reconsider, Mr Harley asked, and obtained leave of the Senate, to withdraw his motion.

The resolution was then transmitted to the House of Representative for their concurrence.

No. 32. Mr Huey, on leave, introduced a bill, to be entitled "an act to amend the 5th section of an act creating the county of Calhoun."

Which was read a first time.

On motion of Mr Huey, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Harley, the bill was referred to the committee on counties and county lines.

Mr Lemoyne asked, and obtained leave of the Senate, to explain, and in doing so, stated that he was opposed to the resolution to pay A. G. Mayers; but upon the question of its adoption, he had voted with the majority, in order that he could move a reconsideration of the vote.

House bill No. 3, to be entitled "an act for the relief of Benjamin F. Danley, late sheriff and collector of Pulaski county," was read a third time, and passed.

Mr Lemoyne moved to reconsider the vote taken on the adoption of the resolution, to pay A. G. Mayers mileage and per diem.

Which motion the chair decided to be out of order; as the 8th division of the 44th rule of the Senate, was the business of the day under consideration.

Mr Lemoyne then moved to dispense with the rules of the Senate, in order that the vote, taken on the adoption of the resolution; might be reconsidered which motion prevailed; and the rules suspended.

Mr Lemoyne called for the yeas and nays on the motion to reconsider.

On motion of Mr Billingsley, the Senate adjourned.

THOMAS B. HANLEY, *President*.

Saturday, Nov., 20th, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—21.

Prayer by the Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have adopted the following joint resolution, to-wit:

A joint resolution, authorizing the chairman of the different standing committees of the two Houses of the General Assembly, to administer oaths to witnesses examined before them.

Also, a joint resolution, requiring the committee on auditor and treasurer's books, to set forth in their report the amounts respectively, of the contingent expenses of the offices of secretary of state, auditor, treasurer and land agent.

Which are herewith transmitted for the concurrence of the Senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Lemoyne asked, and obtained leave, to lay before the Senate, the following communication from Abram G. Mayers, Esq.

Little Rock, Nov. 19th. 1852.

To the President of the Senate:

Dear Sir: An appropriation has passed your honorable body, to allow me mileage and per diem pay, as a member of your honorable body, in consequence of my contesting a seat in the Senate. I beg to state to the Senate, that I feel "grateful" for their consideration in my behalf, while I respectfully decline its reception.

Yours Respectfully,
A. G. MAYERS.

Which was read and received.

Mr Huey introduced the following

RESOLUTION:

Resolved, That the apportionment committee be instructed to base their report, forming the state into two congressional districts, upon the federal basis.

Which was read; and being joint by the action of the two Houses, in making the apportionment committee of the two Houses a joint committee, was laid on the table, under the rule.

Mr Burrow was called to the chair.

Mr President offered the following

RESOLUTION:

Be it resolved by the General Assembly of the State of Arkansas, That our Senators in Congress, be, and they are hereby instructed, and our Representative requested, to use their best efforts, to have established, a triweekly line of mail stages from Helena, in Phillips county, to connect with the line already established, from Little Rock to Aberdeen or Rockport, in Monroe county, by the way of Lawrenceville, so as to have an overland communication by mail stage service from the Mississippi river, at the point aforesaid, with the capital of the state; and thence westward and south to the Louisiana and Texas boundaries: thereby accommodating the wants of the people in these various regions, and exposing to the wayfarer and traveler, the resources and wealth of our state.

Which was read and laid on the table, under the rule.

On motion of Mr President, the rules of the Senate were dispensed with, and the resolution was taken up.

It was then read a second time.

Mr Izard moved its adoption; which motion the chair decided could not be entertained, as it was contrary to the 48th standing rule of the Senate.

Mr Izard moved to suspend the 48th rule.

Which motion prevailed.

On motion of Mr Izard, the resolution was then read and adopted.

Mr President introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested, to use their most rigorous efforts, to procure from Congress, an appropriation, to be applied to the removal of the obstructions existing to navigation in the St. Francis river, in this state.

Which was read, and laid on the table one day, under the rule.

Mr President moved to suspend the rules of the Senate, and take up the resolution.

Which motion prevailed.

On motion of Mr Izard, the 48th rule of the Senate was suspended, the resolution adopted.

Mr Chapman moved to suspend the rules of the Senate, and take up the resolution, instructing the committee on apportionment to to base their resolution on the federal basis.

Which motion prevailed.

The resolution was read a second time.

The question being on its adoption, Mr Clarke called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Poindexter, Underhill and Mr President—16.

Nays.—Messrs Berry, Billingsley, Clarke, Maxwell, Mitchell, and Rose—6.

So the resolution was adopted.

Mr Lemoyne, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on judiciary, to whom was referred Senate bill No. 31, to be entitled "an act to confirm certain sales," have considered the same, and report the same back without amendment, and recommend its passage.

LEMOYNE,
One of the Committee.

Which report was read and received.

Mr Chapman, from the committee on education, made the following

REPORT:

Mr President:

The committee on educatoin, to whom was referred Senate bill No- 28, incorporating Cane Hill female seminary, have had the same under consideration, and have instructed me to return it to the Senate, and recommend its passage.

CHAPMAN, *Chairman.*

Which report was read and received.

Mr Hamption moved, that the 40th standing rule of the Senate be suspended, for to-day.

Which motion was lost.

No. 33. Mr Hawkins, on leave, introduced a bill, to be entitled "an act to amend the law in respect to the swamp lands in this state."

Which was read a first time.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Huey, the bill was referred to the committee on internal improvements.

The joint resolution of the House of Representatives, instructing the committee on auditor and treasurer's books, to set forth in their report, the amendments respectively, of the contingent expenses of the offices of secretary of state, auditor, treasurer and land agent, was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with, and the resolution taken up and read.

On further motion of Mr Izard, the resolution was concurred in by the Senate.

House bill No. 82, to be entitled "an act to call in the scrip of Marion county," was read a first time.

On motion of Mr Berry, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Berry, the bill was referred to the committee, consisting of Messrs Berry, Chapman and Mitchell.

Mr President, on leave, introduced the following

RESOLUTION:

Resolved, That the secretary of the Senate be, and he is hereby, directed to prepare a message to the House of Representatives, requesting that honorable body to transmit to the Senate without final action thereon, the Senate resolution, providing for the allowance of per diem and mileage to A. G. Mayers, and that he be directed to make the letter of the said Mayers, communicated to the Senate this morning, a part of such message.

Which was read and adopted.

The message was then transmitted to the House of Representatives, respectfully requesting the return of the resolution, without action, and with it the letter of A. G. Mayers, for the information of the House.

Mr Maxwell, on leave, introduced the following

RESOLUTION:

Resolved, That our Senators in Congres be instructed, and Representative requested, to procure the passage of an act, by Congres, appropriating ten sections of public land, the proceeds of which to be applied to a geological survey of the state of Arkansas.

Which was read, and laid on the table, under the rule.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have passed the following bills, to-wit:

House bill No. 16, to be entitled "an act to call in the scrip of Hot Spring and Van Buren counties." House bill No. 33, entitled "an act to incorporate the Oil Trough Academy, in Oil Trough Bottom, Arkansas." House bill 94, entitled "an act to constitute John Rockwell Barnum a legal heir of Richard Barnum, of Dallas county." House bill No. 88, entitled "an act to authorize Thomas B. Carrington to remove certain slaves from the State of Arkansas." House bill No. 30, entitled "an act to amend section 66 of chapter 4, Digest of the statutes of the state, under the head of administration."

All of which are herewith transmitted for the assent of the Senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Harley, House bill No. 94, to be entitled "an act to constitute John Rockwell Barnum a legal heir of Richard Barnum, of Dallas county," was taken up and read a first time.

On further motion of Mr Harley, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr Harley, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

House bill No. 13, to be entitled "an act to constitute William T. Hardy the lawful heir Flavius S. White," was read a first time, and ordered to a second reading on Monday next.

House bill No. 11, to be entitled "an act to change the time of holding the probate court of Drew county," was read a first time, and ordered to a second reading on Monday next.

House bill No. 32, to be entitled "an act to change the time of holding the probate court of Franklin county,"was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Nr Lemoyne, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

House bill No. 75, to be entitled "an act to change the time of holding the probate court, in the county of Franklin," was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Izard, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Poindexter, House bill No 88, to be entitled "an act to authorize Thomas B. Carrington to remove certain slave from the State of Arkansas," was taken up and read a first time.

On motion of Mr Poindexter, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr Poindexter, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

It was then returned to the House of Representatives.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and Senate bill No. 31, to be entitled "an act to confirm certain sales," taken up.

The bill was then read a third time, and passed.

On motion of Mr Henson, House bill No. 16, to be entitled "an act to call in the scrip of Hot Spring and Van Buren counties," was taken up and read a first time.

On further motion of Mr Henson, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr Henson, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

The joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative in Congress, to favor the acquisition of the island of Cuba, by the government of the United States, by any and every means compatible with a proper respect for our treaty stipulations, the law of nations, and our character as an enterprising and honest nation, was read a first time, and laid on the table one day, under the rule.

On motion of Mr Underhill, Senate bill No. 5, to be entitled "an act amendatory of the several acts in relation to the sale and price of the 500,000 acre grant," was taken up and read.

Mr Underhill offered the following amendment:

Amend by way of engrossed rider.

When two or more persons apply at the same time, after the land has been offered at public sale, to purchase one and the same tract of internal improvement lands, seminary lands, or lands forfeited to the state for non-payment of taxes, it shall be the duty of the land agent, auditor or other officer, having charge of the disposition of the same, to offer the tract or tracts of land, so applied for, forthwith, at public auction, at the door of his office, and sell the same to the best and highest bidder.

Which was read a first time.

On motion of Mr Underhill, the rules of the Senate were dispensed with, and the amendment read a second time.

On motion of Mr Hampton, the rules of the Senate were dispensed with, and the amendment read a third time.

The bill as amended, was then passed.

House bill No. 76, to be entitled "an act to exempt certain persons from serving on juries," was read a first time, and ordered to a second reading on Monday next.

House bill No. 30, to be entitled "an act to give the county court of Clark county jurisdiction over section sixteen, township seven, range nineteen," was read a first time, and ordered to a second reading on Monday next.

House bill No. 77, to be entitled "an act to constitute Elizabeth Ann Duncan a legal heir of William Duncan, deceased," was read a first time, and ordered to a second reading on Monday next.

The joint resolution of the House of Representatives, "authorizing the chairmen of the different standing committees of the two Houses to administer oaths to witnesses examined before them," was read a first time.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and the resolution taken up and read a second time.

On further motion of Mr Lemoyne, the rules of the Senate were again dispensed with, the resolution read a third time, and concurred in by the Senate.

House bill No. 44, to be entitled "an act to incorporate the town of Searcy," was read a third time.

Mr Poindexter offered the following amendment:

Add the following title to the bill: "an act to incorporate the town of Searcy."

Add after the word, "enacted," in the 1st line of the 1st section, the words, "by the General Assembly of the State of Arkansas."

Which was read and adopted.

On motion of Mr Berry, the blank in the 3d line of the 2d section, was filled with the word, "five."

The bill as amended, was then passed,

Mr President resumed the chair.

House bill No. 33, to be entitled "an act to incorporate Oil Trough Academy, in Oil Trough Bottom, Arkansas," was read a first time, and ordered to a second reading on Monday next.

House bill No. 36, to be entitled "an act to amend section 66, chapter 4 of the Digest of the statutes of Arkansas, under the head of administration," was read a first time, and ordered to a second reading on Monday next.

The chair appointed Messrs Burrow, Clarke, Hampton, Underhill, Poindexter, Huey and Izard, a standing committee on federal relations.

On motion of Mr Underhill the Senate adjourned.

THOMAS B. HANLEY, *President*,

* * *

Monday, Nov. 22d, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names;

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, Ellis, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Poindexter, Rose, Underhill and Mr President—20.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of Saturday, the 20th inst., was read and approved.

Mr Lemoyne presented a petition signed by 35 citizens of Dardanelle township, Pope county, Arkansas, representing, that they labor under many inconveniences, by the locality and condition in which they are placed; that they are residents of that portion of Pope county, lying on the south side of the Arkansas river; thereby, having said river to cross in going to and returning from the county seat, in attending courts, &c.; and praying, that all the territory bounded as follows, be stricken off of Pope county, and and made a part of the county of Yell: Beginnning in the middle of the channel of the Arkansas river, due south of the mouth of Piney creek, and on the county line of Johnson county; thence southeasterly with the channel of the Arkansas river, to the crossing of the Military road; thence south, to the south bank of the Arkansas river; thence with the Boonsville road, southwest, to the crossing of the line between townships six and seven; thence west with said township line, to Johnson county line, to the point of beginning; making a territory of about fifty square miles.

Which was read; and, on motion of Mr Lemoyne, it was referred to the committee on counties and county lines.

Mr Huey introduced the following

RESOLUTION:

Resolved, That the auditor of public accounts be required to furnish the secretary of the Senate with the amount of mileage drawn by each member of this body, and that the same be published with the journals of the Senate.

Which was read and adopted

Mr Davidson, from the committee on counties and county lines, made the following

REPORT:

Mr President:

The committee on counties and county lines, to whom was referred the bill amending the first section of an act creating the county of Calhoun, have had the same under consideration, and beg leave to be dismissed from the further consideration of the bill, and recommend that it be referred to a select committee, composed of Huey, Harley and Hampton.

DAVIDSON, *Chairman*.

Which report was read and received.

On motion of Mr Huey, the report was adopted, and the reference recommended made.

Mr Berry, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred House bill No.

82, to be entitled "an act to call in the scrip of Madison county," have had the same under consideration, and have instructed me to return the same, with the following amendments, to wit: Amend the 1st section, in the tenth line, by inserting, after the word "of," "county scrip, or." Amend the last line, in the first section, by striking out "1852," and inserting "1853." Amend the third section, in the third line, by inserting "scrip and," after the word "of." Amend the sixth line, of the third section, by inserting, after the word "warrant," "and scrip;" and, after the word "account," insert "issued." Amend the eighth line, of the third section, by striking out "1852," and inserting "1853;" and, in the same line, of the same section, insert the words "scrip and," before the word "warrant."

BERRY, *Chairman.*

Which was read and received.

On motion of Mr Berry, the rules of the Senate were dispensed with, and the amendment taken up.

The question was then taken on all the amendments seperately; and they were adopted.

The bill was then read a third time, as amended, and passed.

Mr Huey introduced the following

RESOLUTION:

Resolved, That the committee on public expenditures be instructed to examine the executive chamber, and report the condition of said chamber, its furniture, &c., and if any furniture, in their opinion, may be necessary, that they report the quantity and quality of said necessary furniture to this body.

Which was read and adopted.

No. 34. Mr Clarke, on leave, introduced a bill, to be entitled "an act to sell the Saline land, belonging to the State of Arkansas, and appropriation of the proceeds thereof to common schools purposes."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 35. Mr Clarke, on leave, introduced a bill, to be entitled "an act to sell certain town lots belonging to the state."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 36. Mr Davidson, on leave, introduced a bill, to be entitled "an act to divide the State of Arkansas into two congressional districts."

Which was read a first time.

On motion of Mr Huey, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Huey, the bill was referred to the committee on apportionment.

No. 37. Mr Henson, on leave, introduced a bill, to be entitled "an act to amend, in part, the 10th section, of chapter 145, of the Digest."

Which was read a first time, and ordered to a second reading on to-morrow.

House bill No. 77, to be entitled "an act to constitute Elizabeth Ann Duncan a legal heir of William Duncan, deceased," was read a second time, and ordered to a third reading on to-morrow.

House bill No. 30, to be entitled "an act to give the county court of Clarke county jurisdiction over section sixteen, township seven, range nineteen," was read a second time.

On motion of Mr Harley, the bill was indefinitely postponed.

House bill No. 76, to be entitled "an act to exempt the citizens of Old River township, in the county of Arkansas, from serving on grand or petit juries, during the spring terms of the circuit courts," was read a second time, and ordered to a third reading on to-morrow.

The resolution of the House of Representatives, intructing our Senators and requesting our Representative in Congress, to favor the acquisition of the island of Cuba by the government of the United States, by any and every means compatible with a proper respect for our treaty stipulations, the law of nations, and our character as an honest nation, was read a second time.

On motion of Mr Clarke, the 48th rule of the Senate was dispensed with, and the resolution referred to the committee on federal relations.

House bill No. 11, to be entitled "an act to change the time of holding the probate court of Drew county," was read a second time.

On motion of Mr Harrison, the rules of the Senate were dispensed with, the bill read a third time, and passed.

House bill No. 13, to be entitled "an act to constitute William T. Hardy the lawful heir of Flavius S. White," was read a second time.

On motion of Mr Ellis, it was referred to a select committee, consisting of Messrs Ellis, Rose and Harrison.

Mr Underhill moved that Senate bill No. 10, to be entitled "an act to exempt a homestead from execution," be taken up; but, at the request of Mr Burrow, he withdrew his motion.

No. 38. Mr Burrow, on leave, introduced a bill, to be entitled "an act to sell the assets of the state bank."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 39. Mr Burrow, on leave, intruduced a bill, to be entitled "an act to prevent the judges of the supreme court from starving."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 40. Mr Burrow, on leave, introduced a bill, to be entitled "an act appropriating fifty thousand dollars to improve the navigation of Saline river."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr Underhill renewed his motion to take up Senate bill No. 10, to be entitled "an act to exempt a homestead from execution."

Which motion prevailed.

Mr Hampton offered the following amendment, by way of engrossed rider, to be added to the 3d section, after the word "act," in the 6th line:

Provided, That nothing in this act shall be so construed, as to exempt from execution and sale, a town lot, with any improvement thereon, except such as constitute the actual family residence, and such buildings as are necessary appendages thereto.

Which was read a first time.

On motion of Mr Harley, the rules of the Senate were dispensed with, and the amendment read a second time.

On motion of Mr Hampton, the rules of the Senate were again dispensed with, and the amendment read a third time.

Mr Hampton moved the adoption of the amendment.

Upon which motion, Mr Harley called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Lemoyne, Maxwell, Mitchell, Poindexter and Underhill—19.

Nays.—Messrs Izard, Rose and Mr President—3.

So the amendment was adopted.

The bill was then read, as amended.

The question being on its passage, Mr Hampton called for the yhas and nays which being sustained, were ordered.

Yeas.—Messrs Burrow, Chapman, Clarke, Fletcher, Hampton, Harley, Harrison, Hawkins, Izard, Lemoyne, Rose, Underhill and Mr President—13.

Nays.—Meessrs Berry, Billingsley, Davidson, Ellis, Henson, Huey, Maxwell, Mitchell and Poindexter—9.

So the bill was passed.

Message from the House of Representatives, by the clerk.

Mr President:

I have the honor to transmit to your honorable body the joint resolution of the Senate, entitling A. G. Mayers to receive per diem pay and mileage, on which no action has been taken by the House of Representatives.

The resolution is returned, agreeably to a resolution of the Senate requesting its return, to which the House of Representatives have assented.

J. H. HOBBS,
Clerk of the House.

House bill No. 33, to be entitled "an act to incorporate Oil

Trough Academy, in Oil Trough bottom, Arkansas," was read a second time, and ordered to a third reading on to-morrow.

House bill No. 36, to be entitled 'an act to amend section 66, chapter 4, of the Digest of the statutes of Arkansas, under the head of Administration," was read a second time, and ordered to a third reading on to-morrow.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have adopted a joint resolution, directing the attorney general to apply to the supreme court for a writ of *quo warranto*, against the Memphis and St. Francis Plank Road Company; which is herewith transmitted for the concurrence of the Senate, which is respectfully asked.

The House have concurred in the joint resolution of the Senate, instructing our delegation in Congress to procure the establishment of a tri-weekly mail, to be carried by stage, from Batesville to Fayetteville.

The House have also concurred in the joint resolution of the Senate, instructing our delegation in Congress, to use their influence to procure the passage of a law, directing the secretary of the treasury of the United States, to pay to the State of Arkansas certain moneys now due her, on account of sales of lands.

The House have also concurred in the joint resolution of the Senate, requesting our members in the Congress of the United States, to use their endeavors to induce Congress to grant to this state twenty sections of the public lands in this state, to be appropriated to the erection, establishment and endowment of institutions of learning, for the education of the deaf, dumb and blind youth of our state.

The House have assented to Senate bill No. 13, entitled "an act for the relief of John W. Williams, of Mississippi county."

All of which are herewith returned.

J. H. HOBBS,
Clerk of the House.

Senate bill No 28, to be entitled "an act to incorporate the Cane Hill Female Seminary," was read a third time, and passed.

Senate bill No. 25, to be entitled "an act to reduce the price of the sixteenth sections, in the counties of Green and Randolph," was read a second time.

On motion of Mr Ellis, the bill was referred to a select committee, consisting of Messrs Ellis, Hawkins and Rose.

Senate bill No. 24, to be entitled "an act to repeal the 3d section, of the 170th chapter, of the Digest of the laws of this state, and for other purposes," was read a third time, and passed.

The report of the committee on elections to the Senate, on the 18th inst., recommending the rejection of Senate bill No. 16, to be entitled "an act to authorize the qualified voters of this state to vote for or against a convention," was taken up; and it, together with the bill, were read.

Mr Izard moved the adoption of the report; upon which motion Mr Rose called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Chapman, Clarke, Hampton, Harley, Henson, Izard, Mitchell, Poindexter and Underhill—11.

Nays.—Messrs Burrow, Davidson, Ellis, Fletcher, Harrison, Hawkins, Lemoyne, Maxwell, Rose and Mr President—10.

So the report was adopted, and the bill thereby rejected.

The joint resolution of the Senate, instructing our Senators and requesting our Representative in Congress, to procure the passage of an act by Congress, appropriating ten sections of public land, the proceeds of which, to be applied to a geological survey of the State of Arkansas, was read a second time, and adopted.

The resolution of the Senate, proposing the following amendment to the constitution of the State of Arkansas:

That the judges of the supreme court, and the secretary of state, and the auditor, and the treasurer, shall be elected by the qualified voters of the state—

Was read.

The Senate refused to order it to a second on to-morrow, by the following vote:

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Maxwell, Mitchell, Rose and Mr President—15.

Nays.—Messrs Hampton, Izard, Lemoyne, Poindexter and Underhill—5.

On motion of Mr Hampton, the vote taken on ordering the resolution proposing to amend the constitution of the State of Arkansas to a second reading on to-morrow, was reconsidered.

Mr Burrow moved a call of the Senate.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—21.

Messrs Clarke and Miller were absent without leave.

Mr Harley asked leave of absence for Mr Miller, who, he stated, was absent on account of indisposition.

Which was granted, for the day.

The sargeant-at-arms was ordered to procure the attendance of Mr Clarke.

He retired for a short time; when he returned, and reported that Mr Clarke was engaged in the auditor's office, but would return to his seat in a few moments; which he did, when a further call of the Senate was dispensed with.

The question "shall the resolution to amend the constitution be ordered to a second reading?" was then stated from the chair, and decided in the affirmative, by the following vote:

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Harley, Harrison, Hawkins, Henson, Maxwell, Miller, Mitchell, Rose and Mr President—16.

Nays.—Messrs Fletcher, Hampton, Huey, Izard, Lemoyne, Poindexter and Underhill—7.

On motion of Mr Poindexter, the Senate adjourned.

THOMAS B. HANLEY, *President.*

Tuesday, Nov., 23*d*, 1852.

Senate met, pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have adopted a joint resolution, instructing our Senators, and requesting our Representative, in Congress, to use their influence to procure the passage of a law, granting to each settler in this state, who is not the owner of any land, 160 acres of land, as a homestead. Which is herewith transmitted for the consideration of the Senate; which is respectfully asked.

The House have also, concurred in the amendment of the Senate to the joint resolution of the House, asking our delegation in Congress, to exert themselves to procure the passage of a law, giving to the state of Arkansas lands for the purpose of constructing a railroad from Van Buren, to Springfield, in Missouri.

J. H. HOBBS,
Clerk of the House.

Mr Underhill, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have examined "an act for the relief of John W. Williams, of Mississippi county;" also a resolution, instructing our Senators, and requesting our Representative, in Congress, to use their influence to procure the passage of a law, directing the secretary of the treasury of the United States, to pay certain moneys to the State of Arkansas; also, a resolution, requesting our delegation, in the Congress of the United States, to grant to the State of Arkansas, twenty sections of land for the erection of an institution for the education of the deaf, dumb and blind youth of our state; also, a resolution, instructing and requesting our delegation to use their influence to procure the establishment of a tri-weekly mail, to be carried by stages, from Batesville to Fayetteville; and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Cairhman.*

Mr Izard was called to the chair.

Mr President presented the petition of Mary Ann Hall, wife of Theophilus W. Hall, late of Monroe county, Arkansas, representing, that at the June term of the circuit court of said county, 1852, a negro man named Watt, the property of the said petitioner, was indicted, convicted, and executed, for an assault with an intent to commit rape, on the body of one Mrs King, a white woman; that the conviction rested entirely on circumstantial evidence, and would not have been procured, had not the defendent been a negro and the prosecutrix a white woman; that said slave was worth at least $1,000, and was the only property of the kind she possessed, except one woman, of far less value, and praying the passage of an act, giving compensation for such slave.

Which petition was read.

On motion of Mr President, the petition was referred to a select committee, consisting of Messrs Burrow, Huey and Chapman.

Mr Berry, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrollments, have examined an act to incorate the town of Huntsville; also, an act to change the time of holding the probate court of Searcy county; and have instructed me to report the same, correctly enrolled.

BERRY,

One of the Committee.

Mr Miller presented a petition, signed by eight citizens of township No. 8 north, of range 26 west, representing, that owing to an act to amend the common school system in the State of Arkansas, approved January 11th, 1851, by which the then existing laws were repealed, the commissioners and trustees were thrown out of office, and no provision made for the election of a commissioner; and that in consequence of such repeal they are deprived of the use of the public school fund, arising from the sale of the sixteenth section; and praying the revival of the old law making, it obligatory on the county judges to order an election for school commissioner, provided in the foregoing act.

Which was read, and on motion of Mr Miller, referred to the committee on education.

Mr Poindexter introduced the following

RESOLUTION:

Resolved, by the two Houses of this General Assembly, That they do adjourn *sine die*, on Saturday, the 18th of December next.

Which was read a first time.

On motion of Mr Hampton, the rules of the Senate were dispensed with, and the resolution taken up.

It was read a second time; and the question being on its adoption, Mr Harley called for the yeas and nays, which being sustained were ordered.

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—23.

So the resolution was unanimously adopted.

Mr Berry introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress, be instructed, and our Representative requested, to use their best exertions, to obtain an appropriation of fifty thousand dollars, to remove obstructions in the navigation of White river, from the mouth of Black river to the three forks of White river, in Washington county..

Which was read a first time, and laid on the table, unde the rule.

Mr Rose introduced the following

RESOLUTION:

Resolved, That the land agent be required to report to the Senate, a list of all the lands taken in payment of debts due the state bank.

Which was read and adopted.

Mr Clarke, from the committee on claims, made the following

REPORT:

Mr President:

The committee on claims, to whom was referred "an act for the relief of John H. Hammack, late contractor of the state penitentiary," have had the same under consideration, and agree to report it to the Senate without amendment, and recommend its passage.

CLAKRE, *Chairman.*

Which report was read and received.

Mr Hampton moved to suspend the rules of the Senate, requiring a motion or proposition to suspend or amend the standing rules of the Senate, to lie on the table one day.

Which motion prevailed.

Mr Hampton then moved, that the latter clause of the 40th standing rule of the Senate, be suspended for to day.

Which motion prevailed.

No. 41. Mr Harrison, on leave, introduced a bill, to be entitled "an act for the relief of certain persons, who have contracted to purchase lands from the state."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 42. Mr Miller, on leave, introduced a bill to be entitled "an act to amend the 3d section of an act entitled an act to amend the common school system in the State of Arkansas."

Which was read a first time.

On motion of Mr Miller, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Billingsley, the bill was referred to the committee on education.

No. 43. Mr Hawkins, on leave, introduced a bill, to be entitled "an act to amend the 1st section of the 139th chapter of the Digest of the statutes of Arkansas."

Which was read a first time.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr President, the bill was referred to the committee on ways and means.

Mr Burrow asked, and obtained leave of the Senate, to change his vote from the affirmative to the negative, on the vote taken on the 20th inst., on the adoption of the resolution, instructing the committee on apportionment to base their report, forming the state into congressional districts, upon the federal basis.

Mr Burrow, on leave, made the following report, from the committee on the judiciary:

Mr President:

The committee on the judiciary, to whom was referred the bill, to be entitled "an act to incorporate the Van Buren manufacturing company," have had the same under consideration, and have instructed me to return the bill to the Senate, and recommend its passage, with the following amendment, to-wit:

That section eleven be stricken out.

BURROW, *Chairman.*

Which report was read and received.

On motion, the amendment reported by the committee, was taken up.

Mr Clarke offered the following amendment to the amendment:

Insert, after the word, "taxes," the following words: "for five years."

Which was read and adopted.

The amendment, as amended, was then adopted.

On motion of Mr Clarke, the bill was ordered to be engrossed, for a third reading on to-morrow.

House bill No. 14, to be entitled "an act for the relief of John H. Hammack, late contracton of the penitentiary," was read a third time, and passed.

The joint resolution of the House of Representatives, instructing our Senators, and requesting our Representative, in Congress, to use their influence, to favor the passage of a law granting each settler in this state, who is not the owner of any land, 160 acres of the public lands, as a homestead, was read a first time.

On motion of Mr Burrow, the resolution was, after debate, referred to the committee on federal relations.

House bill No. 76, to be entitled "an act to exempt the citizens of Old River township, in the county of Arkansas, from serving on grand and petit juries, during the spring terms of the circuit court," was read a third time.

Mr Huey offered the following amendment:

Amend by adding an additional section.

SEC. 2. *Be it further enacted*, That the citizens of Ouachita county, who does now, or may hereafter reside east of Ouachita river, in said county, be, and they are hereby exempt from serving on grand or petit juries at the spring terms of said court, except in criminal cases.

Which was read.

Mr President offered the following as an amendment to the amendment:

And that the above proposition shall, include and embrace the citizens and inhabitants of Mooney and Searcy townships, in Phillips county, lying below and south of Old Town Point, in said county of Phillips.

Which was read and adopted.

The amendment, as amended, was then read and adopted; and the bill as amended, passed.

No. 44. Mr Underhill, on leave, introduced a bill, to be entitled "an act to repeal the act of December 30th, 1848, distributing the internal improvement fund, and to provide for the investment of the same.,'

Which was read a first time.

Mr President resumed the chair.

Mr Harley moved to print 100 copies of the bill, to repeal the act distributing the internal improvement fund.

Mr Clarke moved that 250 copies be printed.

Mr Huey moved to print 300 copies.

The question was taken on Mr Huey's motion, and it prevailed, and 300 copies ordered to be printed.

No. 45. Mr Underhill, on leave, introduced a bill, to be entitled "an act to incorporate the Arkansas central railroad company."

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Burrow, the rules of the Senate were dispensed with, and the resolution, proposing to amend the constitution of the State of Arkansas, so as to make the judges of the supreme court, secretary of state, auditor and treasurer of state, elective by the qualified voters of the state, taken up, and read a second time.

Mr Burrow moved a call of the Senate; the roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—23.

Mr Burrow withdrew his motion for a further call of the Senate.

The resolution was then ordered to a second reading on to-morrow, by the following vote:

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Harley, Harrison, Hawkins, Henson, Lemoyne, Maxwell, Miller, Mitchell, Rose and Mr President—17.

Nays.—Messrs Fletcher, Hampton, Huey, Izard Poindexter and Underhill—6.

No. 46. Mr Burrow, on leave, introduced a bill, to be entitled "an act to extend the elective franchise, and enable voters to exercise the right of suffrage."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 47. Mr Burrow, on leave, introduced a bill, to be entitled "an act to reward persons who capture fugitive slaves."

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Harley, the Senate adjourned.

THOMAS B. HANLEY, *President.*

Wednesday, Nov., 24th, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by the Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have assented to Senate bill No. 4, to be entitled "an act to call in toe scrip of Marion county;" which is herewith returned.

They have also adopted an amendment to Senate bill No. 8, to be entitled "an act to authorize the holding of a special term of the county court of Johnson county," and have passed the bill so amended; which is herewith returned for the concurrence of the Senate, which is respectfully asked.

J. H. HOBBS.
Clerk of the House.

Mr Clarke introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That they do propose the following amendment to the constitution of this state, to wit:

That the 13th section, of the sixth article, of the constitution of the State of Arkansas, be so amended, that the attorney general of the state shall be elected by the qualified voters of the state.

Which was read.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to present for your honor's signature a joint resolution, instructing our Senators and requesting our Representative in Congress, to use their influence, to have the mail service on route No. 6007 increased to weekly trips, and extended to Lost Creek P. O., in Saline county.

Also, a joint resolution, instructing, &c., relative to the establishment of a mail route from Danville to F. G. Gaines', in Scott county, and for the establishment of post offices.

Also, a joint resolution, instructing, &c., relative to the establishment of a river mail from Jacksonport to Pocahontas.

Also, "an act to authorize Thos. B. Carrington to remove certain slaves from the State of Arkansas."

Also, "an act for the relief of Benj. F. Danley, late sheriff of Pulaski county;" and, "an act for the relief of Urban E. Fort, sheriff and collector of Independence county."

J. H. HOBBS,
Clerk of the House.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have this day delivered to the governor, for his approval, "an act to incorporate the town of Huntsville;" also, "an act for the relief of John W. Williams, of Mississippi county;" also, a resolution, requesting our delegation in Congress, to use their influence to pass a law by Congress, requiring the secretary of the treasury of the United States to pay to the State of Arkansas the amount due her, on account of the sale of lands within the state; also, a resolution, praying Congress to grant the State of Arkansas twenty sections of land, situate in the state, for the establishment of institutions for the education of the deaf, dumb and blind youth of the state; also, a resolution, that our Senators be instructed and our Representative requested, to have a tri-weekly mail, to be carried by stages, from Batesville, Arkensas, to Fayetteville, Arkansas; also, "an act to change the time of holding the probate court of Sevier county."

WM. C. MITCHELL, *Chairman.*

The question on ordering the resolution to amend the constitution of the state, so as to authorize the qualified voters of the state to elect the attorney general of the state, to a second reading, was decided in the affirmative, by the following vote:

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose and Mr President—18.

Nays.—Messrs Huey, Poindexter and Underhill—3.

Mr Billingsley introduced the following

RESOLUTION:

Resolved, That our Senators in Congress be instructed, and our Representative requested, to procure the establishment of a horse mail route, from Van Buren, on the Arkansas river, *via* the residence of Joseph Bryant and Lee C. Blackmore, to Fayetteville.

Which was read a first time, and laid on the table one day, under the rule.

Mr Huey introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the following amendments be proposed to the constitution, viz:

The legislature of this state shall have power to pass laws, allowing the exercise of free banking privileges.

Which was read a first time.

The Senate refused to order the resolution to a second reading, by the following vote:

Yeas.—Messrs Burrow, Davidson, Fletcher, Harrison, Huey, Poindexter and Underhill—7.

Nays.—Messrs Berry, Billingsley, Chapman, Ellis, Hampton, Harley, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose and Mr President—14.

Mr Henson introduced the following

RESOLUTION:

Be it resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested, to use their best exertions, to procure from Congress an appropriation, to be applied to the removal of the obstructions existing to the navigation in the Saline and Ouachita rivers, within this state.

And be it further resolved, That it shall be the duty of the secretary of state, to transmit a copy of this resolution to each of our Senators and Representative.

Which were read a first time, and ordered to lie on the table one day, under the rule.

Mr Lemoyne introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested, to use their influence to procure the establishment of a weekly mail route from Dover, in Pope county, by the way of Borland, in Newton county, to Yellville, in Marion county, to intersect the mail route from Yellville to Springfield, in Missouri.

Which was read a first time.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, the resolution taken up, read a second time, and adopted.

Mr Chapman, from the committee on education, made the following

REPORT.

Mr President:

The committee on education, to whom was referred Senate bill No. 23, to amend the common school system of this state, ask leave to report the same back without amendment, and ask that the bill lay upon the table for the present.

CHAPMAN, *Chairman*.

Which report was read and adopted.

Mr Huey asked to be, and was excused from serving on the select committee, to whom was referred the petition of Mrs Mary Ann Hall, on yesterday.

The chair appointed Mr Underhill one of such committee, in lieu of Mr Huey excused.

On motion of Mr Burrow, the resolution of the Senate, proposing to amend the constitution of the State of Arkansas, so as to authorize the qualified voters of the state to elect the judges of the supreme court, secretary of state, auditor and treasury of state. was taken up, and read a third time.

Mr Harley moved a call of the Senate. The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose, Poindexter, Underhill and Mr President—21.

Messrs Clarke and Hawkins were absent without leave.

Mr Lemoyne stated that Mr Hawkins was sick, and unable to attend the sittings of the Senate, and asked that he have leave of absence for to-day.

Which was granted by the Senate, the sargeant-at-arms was directed to procure the attendance of Mr Clarke.

He retired from the chamber for a short time, and returned with Mr Clarke.

On motion of Mr Harley, the further call of the Senate was dispensed with.

The question, "Shall the resolution to amend the constitution, so as to make the judges of the supreme court, secretary of state, auditor and treasurer of state elective by the people, be adopted?" was stated from the chair, and decided in the affirmative, by the following vote:

Yeas,—Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Hampton, Harley, Harrison, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose and Mr President—18.

Nays.—Messrs Fletcher, Huey, Poindexter and Underhill—4.

Mr Chapman moved to reconsider the vote taken on ordering the resolution introduced to-day by Mr Huey, proposing to amend the constitution so as to allow free banking.

Which motion prevailed.

On motion of Mr Chapman, the resolution was laid on the table for the present.

House bill No. 77, to be entitled "an act to constitute Elizabeth Ann Duncan a legal heir of William Duncan, deceased," was read a third time, and passed.

House bill No. 33, to be entitled "an act to incoporate Oil Trough Academy, in Oil Trough Bottom, Arkansas," was read a third time, and passed.

The resolution of the House of Representatives, instructing, requiring and directing the attorney general to apply to the supreme court for a writ of *quo warranto* against the Memphis and St. Francis Plank Road Company, was read a first time, and laid on the table one day, under the rule.

Senate bill No. 30, to be entiled "an act to incorporate the Van Buren Manufacturing company," was read a third time, and passed.

House bill No. 36, to be entitled "an act to amend section 66, chapter 4, of the statutes of the State of Arkansas, under the head of Administration," was read a third time, and passed.

Senate bill No. 39, to be entitled "an act to prevent the judges of the supreme court from starving," was read a second time.

Mr Izard moved to lay the bill on the table until the 4th day of March next.

Upon which motion, Mr Billingsley called for the yeas and nays.

Mr Izard, on leave, withdrew his motion to lay on the table, in order that the bill might be referred.

On motion of Mr Burrow, the bill was referred to the committee on ways and means.

Senate bill No. 14, to be entitled "an act to amend chapter 4 of the Digest of the statutes of Arkadsas," was read a third time, and passed.

Senate bill No. 40, to be entitled "an act appropriating fifty thousand dollars to improve the navigation of Saline river," was read a second time.

Mr Henson offered the following amendment:

Insert, "and fifty thousand dollars for Ouachita river."

Which was read, and adopted.

Mr Izard moved to refer the bill to the committee on internal improvements; but, at the request of Mr Clarke, he withdrew his motion to refer.

Mr Billingsley offered the following amendment:

Sec. —. *Be it further enacted*, That the sum of seventy-five thousand dollars be, and the same is hereby appropriated to the Van Buren and Springfield railroad.

Which was read and adopted.

Mr Harrison offered the following amendment:

Amend by striking out "fifty," and inserting "ten."

Which was read and adopted.

Mr Chapman offered the following amendment:

Amend, by adding seventy-five thousand dollars for the improvement of the navigation of White river, from the mouth of Black river to the Missouri boundary.

Which was read and adopted.

On motion of Mr Izard, the bill, as amended, was referred to the committee on internal improvements.

The joint resolution of the Senate, instructing our Senators and requesting our Representative in Congress, to use their official influence, to acquire for the federal governmeat the Sandwich Islands and the Island of Cuba, was read a second time.

On motion of Mr Clarke, the resolution was referred to the committee on federal relations.

The report of the committee on the judiciary, made on Senate bill No. 12, to be entitled "an act to amend the criminal law, under the head of Sabbath Breaking," was taken up and read.

The amendment recommended by the committee was read and adopted.

On motion of Mr Berry, the bill was ordered to be engrossed for a third reading on to-morrow.

The resolution rescinding the 48th standing rule of the Senate, was read and adopted.

Senate bill No. 46, to be entitled "an act for the relief of certain persons who have contracted to purchase lands from the state," was read a second time.

On motion of Mr Lemoyne, the bill was referred to the committee on the judiciary.

Senate bill No. 47, to be entitled "an act to reward persons who capture fugitive slaves," was read a second time.

On motion of Mr Hampton, the bill was referred to a select committee, consisting of Messrs Hampton, Burrow and Harley.

Mr Underhill from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements have had under consideration the memorial of John Halligan, who became the purchaser of the N. E. quarter of section 28, and the N. W. quarter of section 27, in township 10 south, of range 6 west, 320 acres of internal improvement land, at $2 per acre, praying to be released from said purchase, or to have his notes renewed at $1 25 per acre, or an extension of two or three years on his original purchase, and have instructed me to report, that in the opinion of the committee, it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject.

UNDERHILL, *Chairman*.

Which report was read; and, on motion of Mr Huey, it was adopted.

Senate bill No. 34, to be entitled "an act to sell the Saline lands belonging to the state of Arkansas, and appropriation of the proceeds thereof to common school purposes," was read a second time.

On motion of Mr Harley, the bill was referred to the committee on education.

Senate bill No 35, to be entitled "an act to sell certain lands and town lots belonging to the state," was read a second time.

On motion of Mr Clarke, the bill was referred to a select committee, consisting of Messrs Clarke, Davidson, Lemoyne, Rose and Underhill.

The joint resolution of the Senate, insructing our Senators and requesting our Representative, to use their best exertions, to obtain an appropriation of fifty thousand dollars, to remove the obstructions in the navigation of White river, from the mouth of Black river to the three forks, in Washington county, was read a second time.

Mr Huey offered the following amendment:

Add, after "White," "and $50,000 for the cleaning out of Ouchita river, from Arkadelphia to the Louisiana state line."

Which was read and adopted.

Mr Lemoyne offered the following amendment:

Add $50,000 for cleaning out and removing the snags in Petit Jean and Fourch Le Fevre rivers—$25,000 for each.

Which was read and adopted.

Mr Burrow offered the following amendments:

Ten thousand dollars for cleaning out Cypress creek, in Desha county, and twenty-five thousand dollars for improving the navigation of Bayou Bartholomew.

Which were read and adopted.

Mr Davidson offered the following amendment:

Amend by adding, and twenty thousand dollars for Black river, from the mouth of said river to the junction of Currant river.

Which was read and adopted.

Mr Maxwell moved to lay the resolution, as amended, on the table, until the fourth day of July next.

Upon which motion, Mr Lemoyne called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Clarke, Hampton, Harrison, Izard, Maxwell, Miller, Rose and Mr President—8.

Nays.—Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Ellis, Fletcher, Harley, Henson, Huey, Lemoyne, Mitchell, Poindexter and Underhill—14.

So the Senate refused to lay the resolution, as amended, on the table.

On motion of Mr Burrow, the resolution, as amended, was referred to the committee on federal relations.

Senate bill No. 37, to be entitled "an act to amend, in part, the 10th section, of chapter 145, of the Digest," was read a second time, and ordered to a third reading on to-morrow.

Senate bill No. 38, to be entitled "an act to sell the effects of the state bank," was read a second time.

On motion of Mr Harley, the bill was referred to the committee on Banks.

Senate bill No. 46, to be entitled "an act to extend the elective franchise, and enable voters to exercise the right of suffrage," was read a second time.

On motion of Mr Burrow, the bill was referred to the committee on the judiciary.

Senate bill No. 45, to be entitled "an act to incorporate the Arkansas Central Railroad Company," was read a second time.

On motion of Mr Underhill, the bill was referred to the committee on internal improvements.

On motion of Mr Underhill, the joint resolution, instructing the attorney general to apply to the supreme court for a writ of *quo warranto* against the Memphis and St. Francis Plank Road Company," was taken up, and read a second time.

On further motion of Mr Underhill, the resolution was referred to the committee on the judiciary.

Mr Huey moved that the Senate adjourn until Friday morning, 10 o'clock, (as to-morrow is a day set apart by his excellency the governor, for a day of thanksgiving and prayer.)

Which motion prevailed.

THOMAS B. HANLEY, *President.*

Friday, Nov. 26th 1852.

The Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill, and Mr President—19.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of Wednesday, the 24th inst., was read and approved.

Mr Lemoyne presented a petition signed by 58 citizens of Conway county, representing, that the county of Conway is now upwards of sixty miles in length, and from twenty-six to thirty miles in width; that many citizens, living in the extreme eastern and western parts of said county, are greatly inconvenienced, aggrieved and prejudiced, by the distance at which they live from the seat of justice of said county, not only from the distance they have to travel, but from having to cross streams, at many seasons of the year, almost impassable; that they are informed, and believe that said county contains 1,260 square miles; and that, by striking off a portion of said county on the west to the county of Pope, and a portion of the eastern boundary of said county, to the counties of White and Pulaski, so as not to reduce the area of Conway county to less than nine hundred square miles, would leave the county in a much more compact and convenient shape than it is at present, and assist the citizens living in the eastern part of the county in forming a new county; and praying the passage of an act striking them off of Conway county, and annexing them to the counties above mentioned.

Which was read; and on motion of Mr Huey, it was referred to the committee on counties and county lines.

On motion of Mr Huey, leave of absence was granted Mr Henson.

On motion of Mr Huey, leave of absence was granted Mr Fletcher.

On motion of Mr Billingsley, Mr Davidson was added to the committee on the penitentiary.

Mr Berry introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the secretary of state be instructed to transmit authenticated copies of all memorials and resolutions to the Congress of the United States, to our delegation in Congress, as soon as they may pass the General Assembly and receive the signatures of the speaker of the House of Representatives, the president of the Senate, and the approval of the governor.

Which was read a first time, and ordered to lie on the table one day, under the rule.

Mr Maxwell introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representative be requested to use their influence to procure the establishment of a mail route from Carrollton, Carroll county, Arkansas, to Rockbridge, Ozark county, Missouri, *via* A. Worth's post office, in Marion county, Arkansas.

Which was read a first time, and ordered to lie on the table one day, under the rule.

Mr Rose introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the following are proposed as amendments to the 4th article of the constitution of the State of Arkansas:

1. The senatorial branch of the General Assembly shall not consist of more than eighteen members thereof, to be apportioned on the basis of the free white male inhabitants of the state, until the population of the state amounts to five hundred thousand souls, and then not to exceed twenty-five members.

2. The representative branch of the General Assembly shall not consist of more than fifty-four members thereof, to be apportioned on the basis of the free white male inhabitants of the state, until the population of the state shall amount to five hunnred thousand souls, and then, not to exceed seventy-five members.

Which was read for information; and on motion of Mr Harley, it was laid on the table for the present.

Mr Burrow introduced the following:

Whereas, The probate judge and two associate justices, have the right, under existing laws, to tax the people at will; and,

Whereas, The people should be well consulted before they are taxed; therefore,

Be it resolved, That the committee on judiciary, be instructed to inquire into the expediency of so amending the laws, as to require two-thirds of all the justices of peace for the county, to be present and acting before the county tax rates be determined.

Which was read and adopted.

Mr Poindexter, from the committee on ways and means, made the following

REPORT:

Mr President:

The committee on ways and means, to whom was referred Senate bill No. 43, entitled "an act to amend the 1st section of the 13th chapter of the Digest of the statutes of Arkansas, have taken the same under consideration, and instructed me to report, that it is not expedient to make any alteration of that section, and, therefore, recommend the rejection of the bill.

POINDEXTER, *Chairman.*

Which report was read and received.

Mr Chapman, from the committee on education, made the following

REPORT:

Mr President:

The committee on education, to whom was referred the bill, entitled "an act to sell the Saline lands, in the State of Arkansas," and the appropriation of the proceeds thereof to common school purposes,', have had the same under consideration, and instruct me to report the same back, without amendment, and recommend its passage.

CHAPMAN, *Chairman.*

Which report was read and received.

No. 48. Mr Underhill, on leave, introduced a bill, to be entitled "an act to encourage and assist in building certain railroads in the State of Arkansas."

Which was read a first time.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Clarke, 100 copies of the bill were ordered to be printed.

On further motion of Mr Clarke, the bill was referred to the committee on internal improvements.

No. 49. Mr Harley, on leave, introduced a bill to be entitled "an act to amend section 128, chapter 95, of the Digest of the statutes of Arkansas."

Which was read a first time.

On motion of Mr Harley, the rules of the Senate were dispensed with. and the bill read a second time.

On further motion of Mr Harley, the bill was ordered to be engrossed, and made the special order of the day for to-morrow.

No. 50. Mr Berry, on leave, introduced a bill, to be entitled "an act under the head of Escheats."

Which was read a first time.

On motion of Mr Berry, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Berry, the bill was referred to the committee on the judiciary.

No. 51. Mr Izard, on leave, introduced a bill, to be entitled "an act amendatory of the laws now in force, concerning evidence."

Which was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Harrison, the bill was referred to the committee on the judiciary.

Mr Hampton was called to the chair.

No. 52. Mr Rose, on leave, introduced a bill, to be entitled "an act to strike from the list of taxable property horses and neat cattle, and increase the revenue of the state."

Which was read a first time.

On motion of Mr Chapman, the rules of the Senate were dispensed with, and the bill read a second time.

Mr Billingsley moved to engross the bill, and make it the order of the day for to-morrow.

Mr Izard moved to lay the bill on the table until the 4th day of March next.

Upon which motion, Mr Billingsley called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Burrow, Davidson, Ellis, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Mitchell, Poindexter, Underhill, and Mr President—13.

Nays.—Messrs Berry, Billingsley, Chapman, Clarke Maxwell, Miller and Rose—7.

So the bill was laid on the table until the 4th day of March next.

Mr Huey introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the following amendments be proposed to the constitution this state, viz:

That the 4th section of the 4th article of the constitution of this state be so changed, as to make every free white male inhabitant of this state eligible to a seat in the House of Representatives, who shall have attained the age of 21 years; and that the 6th section the same article be so changed, as to make every free white male inhabitant of this state, who shall have attained the age of twenty-one years, eligable to a seat in the Senate of this state; *Provided,* That in every other respect, such person shall be entitled by the constitution of this state, to a seat in our legislature.

Which was read a first time.

The question, "shall the resolution be ordered to a second reading on to-morrow?" was stated from the chair, and decided in the negative by the following vote: two thirds of the Senate not voting in the affirmative:

Yeas.—Messrs Berry, Billingsley, Chapman, Clarke, Ellis, Harley Hawkins, Huey, Maxwell, Miller, Mitchell and Underhill—12.

Nays.—Messrs Burrow, Davidson, Hampton, Harrison, Izard, Lemoyne, Poindexter, Rose and Mr President—9.

Mr Maxwell introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representative in Congress be requested to use their influence to procure the establishment of a mail route from Little Rock to Clinton, Van Buren county, via Springfield, Conway county, Arkansas.

Which was read a first time, and ordered to lie on the table one day, under the rule.

No. 53. Mr President, on leave, introduced a bill, to be entitled "an act to amend the 18th section of the 140th chapter of the Digest."

Which was read a first time.

On motion of Mr President, the rules of the Senate were dispensed with, and the bill read a second time.

Mr Clarke moved to lay the bill on the table until the 4th day of March next.

Which motion was lost.

Mr Burrow offered the following amendment;

And all persons who have served six months in any military campaign under the flag of the United States.

Which was read.

Mr Huey moved to amend the amendment, by striking out, "six," and inserting in lieu thereof, "three."

Which amendment was lost.

The question was taken on the adoption of the amendment offered by Mr Burrow, and it was lost.

Mr Berry offered the following amendment;

And all invalids not subject to military duty.

Which amendment was read and adopted.

Message from the House of Representatives, by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have passed House bill No. 123, to be entitled "an act making appropriations for the pay of members and officers of the General Assembly."

Which is herewith transmitted for the assent of the Senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Billingsley moved to lay the bill, to be entitled "an act to amend the 18th section of the 140th chnpter of the Digest," on the table indefinitely, and called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter and Rose—18.

Nays.—Messrs Berry, Underhill and Mr President—3.

So the bill as amended, was laid on the table indefinitely.

On motion of Mr Izard, the message from the House of Representatives was taken up and read.

House bill No. 123, to be entitled "an act making appropriations to pay members and officers of the General Assembly," accompanying the message, was read a first time.

On motion of Mr Huey, the rules of the House were dispensed with, and the bill read a second time.

Mr Harley offered the following amendment:

Strike out item referred to as No. 49, in table "A." of the auditor's report, and add to the 1st section the words, "and that the sum of five hundred dollars be, and the same is, hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay electors for president and vice president."

Which was read and adopted.

On motion of Mr Izard, the rules of the Senate were dispensed with, the bill read, as amended a third time, and passed.

It was then returned to the House of Representatives.

Mr President resumed the chair.

On motion of Mr Rose. the amendment of the House of Representatives, to Senate bill No. 8, to be entitled "an act to provide for the holding of a special term of the county court of Johnson county," was taken up, read and adopted.

Senate bill No. 37, to be entitled "an act to amend in part, the 10th section, of chapter 145 of the Digest," was read a first time.

On motion of Mr Chapman, the bill was laid on the table indefinitely.

On motion of Mr Underhill, the vote taken on laying Senate bill No. 58, to be entitled "an act to strike from the list of taxable property, horses and neat cattle, and increase the revenue of the state," on the table until the 4th day of March next, was reconsidered.

The joint resolution of the Senate, instructing our Senators, and requesting our Representative in Congress, to use their best exertions to procure from Congress, an appropriation, to be applied to the removal of the obstructions, existing to the navigation in the Saline and Ouachita rivers, within this state, was read a second time.

Mr Huey moved to adopt the resolution.

Mr Burrow moved to refer the resolution to the committee on federal relations.

After debate, Mr Huey, on leave, withdrew his motion to adopt the resolution,

When the question was taken on Mr Burrow's motion to refer, and it prevailed.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to present for your honor's signature, "an act to call in the scrip of Hot Spring and Van Buren counties;" also, "an act to change the time of holding the probate court of the county of Arkansas;" also, "an act to change the time of holding probate court in the county of Franklin;" also, "an act to change the time of holding the probate court of Drew county;"

also, "an act to constitute John Rockwell Barnum a legal heir of Richard Barnum, of Dallas county;" and, "an act for the relief of John H. Hammack, late contractor of the state penitentiary.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Billingsley, Senate bill No. 34, to be entitled "an act to sell the Saline lands, belonging to the State of Arkansas, and appropriation to common school purposes," was taken up and read.

Mr Izard moved to amend the bill by striking out the 6th section, which reads as follows:

Sec. 6. *Be it further enacted*, That any person residing, and having any improvements on any Saline lands in this state, shall be entitled to a pre-emption on the same, at the rate of one dollar and twenty-five cents per acre; *Provided*, he or she makes proof of the fact before the land agent or other officer, who may have the disposition of the Saline lands, and pay into the treasury one-fifth of the purchase money, and enter into bonds to the state for the balance, in five equal annual installments; conditions provided in section 1st of this act.

After the question was debated at length Mr Lemoyne called for the yeas and nays, on Mr Izard's motion to amend by striking out, which being sustained, were ordered.

Yeas.—Messrs Burrow, Davidson, Ellis, Hampton, Harley, Harrison, Huey, Izard, Poindexter, Rose and Mr President—11.

Nays.—Messrs Berry, Billingsley, Chapman, Clarke Hawkens Lemoyne, Maxwell, Miller, Mitchell and Underhill—10.

So the 6th section of the bill was stricken out.

Mr Lemoyne offered the following amendment:

And all persons having settled upon said salt spring selections, prior to their selections by the state, be paid for their improvements; the value of which to be ascertained and adjudged by three disinterested persons, selected by the land agent for that purpose.

Which was read.

Mr Harley offered the following amendment to the amendment:

Resolved. That the depreciation of said lands by cultivation and waste of timber, be taken into consideration.

Which was read, and upon the question being taken, it was, upon a division, adopted.

Mr Burrow offered the following amendment to the amendment:

Provided, That all rents and profits be deducted from the same, so paid for improvements.

Which was read and adopted without a division.

The question was then taken on the adoption of the amendment, as amended, and it was lost.

On motion of Mr Hampton, the bill was laid on the table for the present.

Mr Underhill moved that the Senate adjourn.

Which motion was lost.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have examined an act to call in the scrip of Marion county, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman*.

On motion of Mr Burrow, Senate bill No. 19, to be entitled "an act to extend the jurisdiction of the probate courts," was taken up and the following amendments reported by the committee on the judiciary, to said bill, read.

No. 1. Add to 3d section: *Provided*, That if there be great disparity beetween the age of the oldest and youngst heir, that the oldest child or heir entitled to a distributive share in said estate, being of age shall have power to claim his or her distributive share, which shall be awarded, set apart and given over; but the court may continue the cultivation for the minors, if adjudged advantageous.

No. 2. Add to 5th section: And, that it shall be the duty of the probate court to require the administrator to pay over to the guardian of such minor heirs of such estate, such and so much moneys, as may be necessary to pay for the board, clothing, tuition and proper education of such minors, from year to year, until the administrator ceases to cultivate said estate, under direction of the probate court.

No. 3. Add to 5th section: Nothing in this act shall be so construed as to deprive the widow of the use, occupation and control of the seat and most usual dwelling house of her deceased husband, but the same shall be subject to her use and occupation from year to year, until dower be assigned.

The question was taken on each of the three amendments, separately, and they were adopted.

The bill as amended, was then read for information.

On motion of Mr Underhill, the bill was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Hampton, the Senate adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President*.

Saturday, Nov., 27*th*, 1852.

Senate met, pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Izard, on leave, introduced the following

RESOLUTION:

Resolved, That a committee of three be appointed by the Senate, to act in conjunction with such committee as may be appointed by the House of Representatives, to wait on his excellency, the governor, and inform him, that the two Houses of the General Assembly, now in session, are ready to receive any communication he may be pleased to make to them, and that the House of Representatives be requested to concur herein.

Which was read.

On motion of Mr Izard, the rules of the Senate were dispensed with, the resolution taken up, read a second time, and adopted.

The chair appointed Messrs Izard, Harley and Clarke, the committee on the part of the Senate.

The resolution was then transmitted to the House of Representative for their concurrence, and the House informed of the appointment of the committee on the part of the Senate.

No. 54. Mr Clarke, on leave, introduced a bill, to be entitled "an act to defray the expenses of the inauguration of the governor."

Which was read a first time.

On motion of Mr Clarke, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Clarke, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

The bill was then transmitted to the House of Representatives for their assent.

Mr Berry introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representative requested to use their efforts to procure the transportation of the mail, in two horse coaches, once a week, from Ozark, in Franklin county, by way of St. Paul, and to Huntsville, in Madison county; thence by the way of William Easley, and to Bentonville, in Benton county,, and from thence to Marysville; all on the present established mail route.

Which was read a first time, and ordered to lie on the table one day, under the rule.

Mr Huey, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred Senate bill No.

32, have had the same under consideration, and instruct me to report the following in lieu thereof: HUEY, *Chairman.*

Add, after the last word in the first section of the act, creating the county of Calhoun, to be erected into a separate and distinct county, to be entitled "Calhoun," to enjoy all the rights, privileges and immunities of a separate and independent county.

Which report was read and received.

Mr Berry, from a joint select committee, made the following

REPORT:

Mr President:

The joint select committee, to whom was referred a resolution, requiring them to settle with D. B. Greer, Esq., secretary of state, for certain moneys, with the disbursement of which he had been charged, beg leave to report that they have performed the duty assigned them, and find that the moneys have been expended according to the intention of the appropriations, vouchers for all of which were submitted to the committee; and, upon comparison, they were found to correspond exactly with the books of the secretary's office, with the following slight exception, viz:

An account of $3 50, evidently paid, but not receipted -		$3 50
An overcharge of 10 cents - - - - - - -		10
" " " $24 00 - - - - - - -		24 00
Wherein an account was paid in state scrip, of $120 00, the secretary having taken a credit for the full amount, and charged himself with the scrip, at 20 per cent discount, at which it was disposed. Total errors, -		$27 60
Due by the secretary to the appropriation, - - -		94
		$28 54
State House appropriation due the secretary, -	$46 45	
Balance due secretary, - - - -	17 91	
Balance due secretary on stationary account, -	19 28	
Total amount due secretary, - - - - - -		$37 19

The committee beg leave to add that abundance of evidence was submitted, all going to show that the secretary of state has, upon all proper occasions, courted an investigation of his accounts and vouchers. It may be proper to state, that the secretary had given the state credit for $768 61, collected by him of Robert Calvert and Thomas Kezed, and the only evidence of the same having come into his hands, was furnished by himself to the committee.

All of which is respectfully submitted, &c.

BERRY,
Chairman of Senate committee.
COLDWELL,
Chairman of House committee.

Which was read.

Mr Izard moved the adoption of the report.

After some debate, Mr Izard withdrew his motion to adopt.

On motion of Mr Clarke, the report was referred to a select committee, consisting of Messrs Clarke, Harrison, Davidson, Mitchell add Billingsley.

On motion of Mr Fletcher, Mr Berry was added to the committee on the penitentiary.

No. 55. Mr Harrison, on leave, introduced a bill, to be entitled "an act to require internal improvement commissioners to loan the money belonging to the internal improvement fund."

Which was read a first time.

On motion of Mr Billingsley, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Billingsley, the bill was referred to the committee on internal improvements.

On motion of Mr Izard, Mr Underhill was added to the committee on the penitentiary.

No. 56. Mr Clarke, on leave, introduced a bill, to be entitled "an act to limit the powers of municipal corporations."

Which was read a first time, and ordered to a second reading on Monday next.

No. 57. Mr Underhill, on leave, introduced a bill, to be entitled "an act providig for the subscription, by the counties and municipal coporations of this state, to the stock of corporations undertaking works of internal improvement, and for the payment and disposal of the stock so subscribed."

Which was read a first time, and ordered to a second reading on Monday next.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate, appoiting a committee to wait on his excellency the governor, and inform him that the two houses are now in session, and ready to receive any communication he may be pleased to make.

The committee on the part of the House are Messrs Rust, Saunders and Ferguson.

J. H. HOBBS,
Clerk of the House.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have assented to Senate bill No. 28, to be entitled "an act to incorporate the Cane Hill Female Seminary."

They have also adopted an amendment to Senate bill No. 22, to be entitled "an act for the benefit of R. H. Butrom, of the county of Pope," and have passed the bill so amended; which is herewith returned for the concurrence of the Senate, which is respectfully asked.

The House of Representatives have passed House bill No. 107, to be entitled "an act to change the names of Elzada J., Elizabeth C., and John H. H. Sexton, to that of Elzada J., Elizabeth C., and John H. H. Flowers, and to constitute them the legal heirs of Harrison D. Flowers."

Also, House bill No. 103, to be entitled "an act to repeal the 14th section of the act entitled an act to provide for the redeeming of the swamp and overflowed lands, donated to this state by the United States."

Also, House bill No. 118, to be entitled "an act to repeal an act passed by the last General Assembly, and approved the 2d day of January, 1851."

Also, House bill No. 63; to be entitled "an act to change the time of holding the probate court of the county of Pope."

Also, House bill No. 37, to be entitled "an act to change the time of holding the probate court in Prairie county."

Also, House bill No. 115, to be entitled "an act to repeal the *viva voce*, and revive the ballot system of voting."

All of which are herewith transmitted for the assent of the Senate, which is most respectfully asked.

The House of Representatives have concurred in the joint resolution of the Senate, asking for a stage line from Helena to Little Rock; which is herewith returned.

J. H. HOBBS,
Clerk of the House.

House bill No. 63, to be entitled "an act to change the time of holding the probate court for the county of Pope," was read a first time.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Lemoyne, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

House bill No. 107, to be entitled "an act to change the names of Elzada J., Elizabeth C., and John H. H. Sexton, to that of Elzada J., Elizabeth C., and John H. H. Flowers, and to constitute them the legal heirs of Harrison D. Flowers," was read a first time.

On motion of Mr Huey, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Huey, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

House bill No, 103, to be entitled "an act to repeal the fourteenth section of the act entitled an act for the reclaiming of the swamp and overflowed lands, donated to this state by the United States," was read a first time.

On motion of Mr Underhill, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Lemoyne, the bill was referred to the committee on internal improvements.

House bill No. 118, to be entitled "an act to repeal an act passed by the last General Assembly, and approved January 1st, 1851," was read a first time, and ordered to a second reading.

Mr Izard, on leave, from a select committee, made the following

REPORT:

Mr President;

The joint committee of the two Houses of the General Assembly, appointed to wait upon his excellency the governor, to inform him that they are now ready to receive any communication he may deem proper to make, report, that they have performed the duty assigned them, and have ascertained that his excellency will make a communication to the two houses of the General Assembly, this day, at 12 o'clock, M.

IZARD, *Chairman.*

On motion of Mr Huey, House bill No. 115, to be entitled "an act to repeal the *viva voce*, and revive the ballot system of voting," was taken up, and read a first time.

Mr Huey moved to dispense with the rules of the Senate, and read the bill a second time.

Which motion was lost on a division.

The bill was ordered to a second reading on Monday next.

The paper purporting to be, and endorsed, as House bill No, 37, to be entitled "an act to change the time of holding the probate court in Prairie county," together with a paper attached thereto, purporting to be a substitute for said bill, were taken up, and read a first time.

On motion of Mr Fletcher, they were laid on the table for the present.

Mr Underhill, on leave, introduced the following

RESOLUTION:

Resolved, That the two houses of the General Assembly will meet this day in the hall of the House of Representatives, at 12 o'clock, to receive a communication from his excellency the governor, and that the House of Representatives be requested to concur herein.

Which was read a first time.

On motion of Mr Hampton, the rules of the Senate were dispensed with, the resolution read a second time, and adopted.

It was then transmitted to the House of Representatives for their concurrence,

Engrossed bill of the Senate No. 49, to be entitled "an act to amend section 128, of chapter 95, of the digest of the statutes of Arkansas," was, on motion of Mr Harley, taken up, and read a third time.

Mr Huey moved that the bill lie over until Monday; but, upon the request of Mr Harley, he withdrew his motion.

The question, "Shall the bill pass?" was stated from the chair.

Mr Huey called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Chapman, Clarke, Davidson, Ellis, Hampton, Harley, Hawkins, Izard, Lemoyne, Rose, Underhill and Mr President—12.

Nays.—Messrs Berry, Billingsley, Burrow, Fletcher, Harrison, Huey, Maxwell, Miller, Mitchell and Poindexter—10.

So the bill was passed.

On motion of Mr Underhill, the Senate took a recess until 12 o'clock M.

At 12 o'clock M. the Senate convened.

The amendment of the House of Representatives to Senate bill No. 22, to be entitled "an act for the benefit of R. H. Butrom, of Pope county," was taken up and read; and, on motion of Mr Lemoyne, it was concurred in by the Senate.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform you honorable body, that the House of Representatives have concurred in the resolution of the Senate, fixing this day, at 12 o'clock M., to meet in the hall of the House of Representatives, for the purpose of receiving the communication of the governor; and that the hall of the House of Representatives is now ready to receive the Senate.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Berry, the Senate repaired to to the hall of the House of Representatives. When they were seated, R. H. Johnson, Esq., his excellency's private secretary, delivered his excellency's message to the two houses. At the conclusion of its reading, the Senate returned to their chamber.

Mr Huey moved to print 500 copies of the governor's message, with the accompanying documents.

Mr Burrow moved to amend the motion, by adding two thousand copies of the "Extra True Democrat," containing the message.

Which amendment was accepted by Mr Huey.

The question was then taken on Mr Huey's motion, as amended by Mr Burrow's motion, and it prevailed.

Mr Burrow, on leave, submitted a report from the state land agent, in answer to a resolution of the Senate, calling on him to furnish a list of the lands, taken in payment of debts due the bank of the State of Arkansas.

Which was laid on the table without reading, on motion of Mr Harley.

On motion of Mr Chapman, the Senate adjourned until Monday morning, 10 o'clock.

THOMAS B. HANLEY, *President.*

Monday, Nov. 29th, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—21.

Prayer by the Rev. A. R. Winfield, chaplain.

The journal of Saturday, the 27th inst,, was read and approved.

Mr Berry, from the committee on enrolled bills, made the following

REPORT:

Mr President:

I have this day handed to the governor, for his approval, "an act to call in the scrip of Marion county."

BERRY,
One of the Committee.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have passed House bill No. 120, entitled "an act for the relief of William G. Murphy, sheriff and collector of Randolph county."

They have also passed House bill No. 129, as a substitute for Senate bill No, 1, in regard to regulating the mileage and per diem pay of members of the General Assembly; which are herewith transmitted for the assent of the Senate, which is respectfully asked.

The House of Representatives have refused to assent to Senate bill No. 26, to be entitled "an act to amend the second section of the Digest of the State of Arkansas, under the head of taking up donated lands of the State of Arkansas."

The House of Representatives have adopted a joint resolution, in relation to the swamp land commissioners; also, a joint resolution, in relation to executive communications; in which the concurrence of the Senate is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Berry presented the petition of John Delaney, of the State of Tennessee, representing that his brother, David Delany, died intestate, in Madison county, Arkansas, in the year 1838, without father, mother, wife or children; but having brothers and sisters, who were not residents of the State of Arkansas; that John Williams administered on his estate, and on his final settlement, there was in his hands $460 50, which was paid over to the state treasurer as an escheat, the lawful heirs of the said David Delany being unknown; that within seven years after said money was paid over to the state treasurer as an escheat, Hugh Kennedy, the husband of one of the sisters of said David, deceased, filed a bill in the Madison county circuit court, in his name, for his own benefit, and in behalf of the other brothers and sisters, to establish their claim to said money; that the testimony has been taken in the case, but from one cause and another, beyond the control of petitioner, the case has been continued from term to term, for years, and is still undetermined; that he is about 70 years of age, and poor and needy; that he has been in Washington county, Arkansas, for the last two years, trying to have said case brought to a close, but has been unable to get the court to take it up and decide it; that he is entitled to one share of the estate in his name, and has powers of attorney from others to draw their shares; and praying that a joint resolution, or act, may be passed, or adopted, directing the auditor to draw his warrant upon the treasurer for his own share in said estate, and the shares of such of the other heirs as have empowered him to collect for them.

Which was read; and referred, together with the testimony in the case, to the committee on claims.

Mr Chapman presented a petition, signed by 31 citizens of Izard county, praying the repeal of an act entitled "an act to authorize George H. Morton to change the military road," approved 1st January, 1851.

Which was read for information, and ordered to lie on the table.

Message from the governor, by R. H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the Senate, that on the 24th of November, 1852, he approved and signed "an act to incorporate the town of Huntsville;" "an act for the relief of John W. Williams, of Mississippi county;" "an act to change the time of holding the probate court of Sevier county;" and, also, three joint resolutions, instructing our Senators and requesting our Representative in Congress, to use their best endeavors, as stated in one of the resolutions, to procure the passage of an act of Congress, requiring the secretary of the treasury to pay over to the State of Arkansas the amount due her, on account of the net proceeds of the sales of lands lying in the state, sold by the general government since the first day of July, 1836; and, as stated by another of the resolutions, to procure the establishment of a tri-weekly mail, to be carried by stages, from Batesville, by the way of Yellville, Carrollton and Huntsville, to Fayetteville; and, as stated by the third resolution, to induce the Congress of the United States to grant to this state twenty sections of the public lands, situate in this state, to be applied to the erection, establishment and endowment of institutions, for the education of the deaf, dumb and blind youth of our state.

Mr Billingsley introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas. That our Representative in Congress, be requessed to use all proper exertions, at an early period, to procure the passage through the House of Representatives, the Senate bill, granting lands to the Memphis and Fulton railroad, the Helena and Fort Smith railroad, and the Gaine's Landing and Fulton railroad.

Resolved further, That the secretary of state be, and is hereby, instructed to forward a copy of these resolutions to our Representative in Congress, immediately after their passage through this General Assembly.

Which was read a first time, and ordered to lie on the table one day, under the rule.

Mr Harley offered the following

PREAMBLE AND RESOLUTION:

WHEREAS, It has been represented by divers emigrants, passing through the State of Arkansas, that the keepers of toll bridges, ferries, &c. within the limits of this state, are in the habit of practising gross impositions, contrary to their chartered privileges, upon emigrants and travelers, to the great detriment and injury of the fair fame of our state.

Be it, therefore, resolved, That the committee on the judiciary, be, and they are hereby, instructed to report a bill, requiring the attorney general to institute minute inquiry, and to prosicute with full vigor of the laws, all persons and corporations enjoyimg chartered privileges in this state, who have violated the same.

Which was read and adopted.

Mr Lemoyne introduced the following

PREAMBLE AND RESOLUTION:

WHEREAS, Many counties of this state, have been, by acts of former legislatures, by divisions, subdivisions, altering lines, &c., reducing below the quantum of square miles, ascribed by the constitution; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That the 29th section, of article 4th, of the constitution of the State of Arkansas, be so amended, that any and all counties of this state may be divided, or so altered, according to the wish and interest of the respective counties; *Provided*, That no county shall be reduced to a less area than six hundred square miles.

Which was read.

Mr Clarke offered the following amendment:

And, that all those counties so created, under the constitutional limits, shall be declared legal counties, by this amendment.

Which amendment was accepted by Mr Lemoyne.

The question, "shall the resolution be ordered to a second reading on to-morrow?" was taken from the chair, and decided in the affirmative by the following vote:

Yeas.—Messrs Berry, Billingsley, Burrow, Clarke, Davidson, Ellis, Fletcher, Hampton, Harrison, Hawkins, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—19.

Nays.—Messrs Chapman, Harley and Maxwell—3.

Message from the House of Representatives by the clerk.

Mr President:

I have the honor to present for your honor's signature, "an act to incorporate the Oil Trough Academy, in Oil Trough Bottom, Arkansas;" "an act to amend section 66, chapter 4, of the Digest of the statutes of the state, under the head of administration;" and "an act to constitute Elizabeth Ann Duncan a legal heir of Wm. Duncan; deceased.

J. H. HOBBS.
Clerk of the House.

Mr Clarke moved, that a committee be appointed, to be styled, "The Committee on Public Lands."

Which motion prevailed.

The chair appointed Messrs Clarke, Underhill Burrow, Izard, Chapman, Mitchell and Davidson, such committee.

Mr Burrow laid before the Senate, the following report of the internal improvement commissioner of Desha county:

State of Arkansas, Desha County.

In pursuance of an act passed at the last session of the General Assembly of the State of Arkansas, I, A. J. Abney, internal improvement commissioner for the county of Desha, and State of Arkansas, do hereby report to your honorable body, the condition of the internal improvement fund belonging to said county of Desha.

It appears from the report of John Sturt, deceased, late of Desha county, that he had drawn, in the year 1851,
The amount of, - - - - $1,325 00
Of which amount, he was allowed fees, - 56 00
The amount paid over to me, - - - - $1269 00
On the 1st of July, 1852, and with the concurrence of the county court, and in pursuance of an order to that effect, that amount was loaned out at ten per cent. per annum, semi anaually—notes bearing date from the 1st July, 1852.

On the 22d day of September, 1852, I applied to the auditor, and on presentation of my certificate, duly certified by the clerk of Desha county; received a warrant to the treasurer of the state on presentation of said warrant to said treasurer, I received the amount of, - - - - - - - $509 87 1-2

Which sum was also loaned out at the rate of ten per centum per annum, payable semi-annually—notes bearing date from the 1st October, 1852.

The amount, as you will see, in all, received by the commissioner of Desha county, is, - - $1834 87 1-2
The amount of fees allowed to John M.
Sturt, former commissioner, - 56 00
Which leaves a sum of, - - - - $1,778 87 1-2

The undersigned taking into consideratian the amount that it would cost to complete any internal improvement, that might be proposed to the county court of Desha county, taking into consideration the overflowed condition of the country, has never proposed any project of internal improvement, but propose to the cour, to loan the money out at the above per cent, until the levee is completed to Napoleon; which is progressing rapidly, and that the amount would increase so as to enable the county to make something in shape of an internal improvement, or something permanent; which was agreed to by the court.

Given under my hand this, November the 18th, 1852.

A. J. ABNEY.
Int'l Imp't Com. of Desha Co. Ark.

Message from the governor, by R. H. Johnson, Esq., his excelleney,s private secretary.

Mr President:

EXECUTIVE OFFICE
Little Rock, Ark., 29th Mov., 1852.

To the Hon. T. B. Hanley,
President of the Senate:

Agreeably to section nineteen, of chapter twenty-three of the Digest of the statutes of Arkansas, I transmit to the Senate, herewith, an account in favor of Richard H. Johnson against the state, for certain printing, executed by him, and the auditor's certificate in relation to the same, so that the General Assembly may make an appropriation sufficient to pay the account.

Most respectfully,
your obedient servant,
ELIAS N. CONWAX.

Mr Burrow introduced the following

RESOLUTION:

Resolved, That so much of the governor's message as relates to a change in the land laws of this state and the administration thereof, be referred to the committee on public lands.

Which was read and adopted.

Mr Clarke introduced the following

RESOLUTION:

Resolved, That all that part of the governor's message on the subject of swamp lands, and internal improvements, be referred to the committee on internal improvements; all that part on the subject of banks, be referred to the committee on banks; and all that part of the message on the subject of education, be referred to the committee on education; and all that part on the subject of state be referred to the committee on public lands; and all that part on the subject of revenue and finances, be referred to the committee on ways and means.

Which was read and adopted.

Mr Ellis, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred House bill No. 13, entitled "an act to constitute William T. Hardy the lawful heir of Flavius S. White," beg leave to report that they have had the same under consideration, and herewith return the same, and respectfully recommend its passage.

ELLIS, *Chairman*.

Which report was read and received.

Mr Ellis, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred Senate bill No. 25, entitled "an act to reduce the price of the sixteenth section, in the counties of Green and Randolph," beg leave to report that they have had the same under consideration, and herewith return the the same, and recommend its passage.

ELLIS, *Chairman*

Which report was read and received.

No. 58. Mr Billingsley, on leave, introduced a bill, to be entitled "an act to amend the laws providing for the reclaiming of the swamp and overflowed lands," approved 6th and 11th of January, 1851.

Which was read a first time.

On motion of Mr Billingsley, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Billingsley, the bill was referred to the committee on internal improvements.

No. 59. Mr Hampton, on leave, introduced a bill, to be entitled "an act making special appropriations to pay William E. Woodruff and Richard H. Johnson, for printing the governor's message and accompanying documents."

Which was read a first time.

On motion of Mr Hampton, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr Hampton, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

No. 60. Mr Maxwell, on leave, introduced a bill, to be entitled "an act to separate the office of assessor from that of sheriff."

Which was read a first time.

On motion of Mr Maxwell, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Maxwell, the bill was referred to the committee on ways and means.

On motion of Mr Fletcher, the paper from the House, end[illegible] as House bill No. 37, to be entitled "an act to change the ti[illegible] holding the probate court in Prairie county," and the paper from the House, attached thereto, purporting to be a substitute for said bill, were taken up and read.

Mr Fletcher moved, thrt the paper marked as the substitute, be recognized by the Senate as the bill of the House, and be acted upon as such.

Which motion, the chair decided could not be entertained, as the Senate had no official information from the House of Representatives; that such was the bill that had passed the House, and transmitted to the Senate as No. 38, for their assent.

On motion of Mr Fletcher, the chair directed the secretary to return the papers to the House of Representatives, by special message, and request them to transmit an authenticated copy of the bill, as it passed that body, to the Senate, for their assent.

On motion of Mr Clarke, the resolution of the Senate, proposing to amend the 13th section, of the 6th article, of the constitution of the State of Arkansas, so that the attorney general of the state shall be elected by the qualified voters of the state, was taken up and read a second time.

The question, "Shall the resolution be ordered to a third reading on to-morrow?" was taken from the chair, and decided in the affirmative, by the following vote:

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose, Underhill and Mr President—21.

Nay.—Mr Poindexter—1.

Mr Burrow, on leave, introduced the following

RESOLUTION:

Resolved, That the secretary of the Senate procure from the secretary of state, certified copies of such amendments as were proposed to the constitution, at the session of the General Assembly, begun and held at the city of Little Rock, on the first of November, one thousand eight hundred and fifty.

Which was read.

Mr Hampton moved to amend the resolution by adding thereto, the following:

Also, the papers containing the publication of such proposed amendments.

Which amendment was accepted by Mr Burrow, and added to the resolution.

The resolution was then read as amended.

On motion of Mr Burrow, the report of the land agent, made in answer to a resolution of the Senate, was taken up and read as follows:

REPORT

OF THE

STATE LAND AGENT.

SLAEE LAND OFFICE,
Little Rock, Ark., 27th Nov. 1852.

Hon. T. B. Hanley,
President of the Senate:

Sir: In accordance with a resolution of the Senate, handed me on the 25th inst., I have the honor to present herewith abstracts from conveyances to the state bank, which have been placed in my possession.

A law passed 11th Jan., 1851, "*authorized*" the land agent to sell property so conveyed, "*on the best terms that could be made by him.*"

Under this authority, I called upou J. M. Ross, Esq., financial receiver, for a list of lands belonging to the bank, and obtained from him the deeds from which the abstracts accompanying this are taken with the following letter, showing the uncertain character of the state's title to them.

L. J. REARDEN, *Land Agent:*

Sir: Inclosed, I hand you a list of lands *supposed* to belong to the state, together with all the deeds I can find in the bank. Some of the lands included in this list, may be encumbered in some way, but I have no means here of knowing.

Respectfully,
JOHN M. ROSS.

The lands described in *List No.* 1, are those referred to in the above letter.

Those described in *List No.* 2, were taken from a separate package of deeds, handed me by Mr Ross, with this superscription:—"I know nothing of the inclosed deeds, the lands may belong to the state and may not."

Those described in *List No.* 3, are lands conveyed to the State by Alfred Wallace, an adverse title to some of which I understand has been presented.

List No. 4 contains a further description from records, a part of which came from the auditor's office, but which are now known to be unencumbered.

☞ In addition to these lists, there are five other deeds to which the bank is not made a party, handed to me enclosed in the following letter:

Movmt Vernon, 31st, Jan. 18

A. E. Thornton, Esq:

Dear Sir: At the request of W. H. Patterson, of our county, I enclose to you herewith several deeds, of conveyance, and also a certificate from under hand and seal of office, as to the situation of the lands described. You may possibly think the language of the certificate somewhat ambiguous, but to give one in positive language is more than I can do, unless I had time to take every one of the old records and turn them over and examine every leaf, for some of them have no index, and to examine them would take more time than I have to spare.

Col. Patterson requested me to say to you, to inclose to him at this place the necessary acquittances for said debt.

Respectfully,

J. M. PARROTT.

Under this view of the circumstances, it will be evident to the Senate that the law authorizing the land agent to sell this property could not be carried into effect, while titles to the bank property seemed so obscured and purchasers could not be guaranteed possession perhaps, except by establishing it at law. No one purchasing in such cases would be willing to pay the real value of the lands and town lots that might be offered, and a sacrifice to the state of property of great value might be made for want of information, or where lands were sold without a title, damages would be required by those who upon the faith of the state improved lands sold under the act above mentioned.

It is known that executions have been levied upon some portion of the property described in the accompanying lists, some may have been sold in other names for taxos, and that another portion has been reconveyed by the bank to the former owner.

This state of facts will bring to your minds the necessity of employing the land attorney or some other competent officer to search the records of each county where these lands and town lots lie, give each conveyance an investigation, and report to the land agent such as may be sold without injury or future trouble to the state. The fund is a valuable one, and could readily be made productive to the treasury, for many of these lands have been extensively cultivated and very extensive improvements made.

It is believed that there is much property, belonging to this fund, which no data in my possession enables me to exhibit, but which may be possibly found in the hands of officers and clerks of the different counties where the lands lie.

While I declined to make any sale of these lands I have never refused to rent or place in the possession of one whom I knew to be worthy the trust, any property thus conveyed, which was represented to me as going to decay or being trespassed upon for the want of care and occupation.

I have the honor to be, very respectively,

L. J. REARDON, *Land Agent*.

ABSTRACT, NUMBER ONE.

By whom conveyed to the State.	Date of Record.	Description of lands and town lots.			Acres.	Am't of consideration, named in the conv'y'nce.
			Town.	Range.		
Luther Chase & wife,	Jan. 17, 1849,	Lots 1, 2, 3, 4, 5. 6, 7, 8 and 9. in block No. 59, in Little Rock.				$1,800 00
P. T. Crutchfield and wife,	Oct. 20, 1848,	S fr h'f of N W qr. S h'f of N E qr. N of Arkansas river of Sec. 36. W half of Sect. 26, Lots 7, 8, and 9, in block 40, Little Rock,	1 N. 3 S.	11 W. 10 W.		6,666 66
Same,	April 23, 1849	S W half of Sec. 27 W h'f N W qr. 27 S E fourth 28 S h'f of N E f'th 28 W h'f of N W 34	1 N.	14 W.	525.00	3,400 00
Lor'n'o Gibson, J. Lawson and A. Fowler.	April 18 1849.	S W fourth of Sec. 33. N E f'th of S E f'th 32.	2 N.	12 W.	200	4,184 00
W.G Thornton,	June 13 1848,	West half of Lots 1, 2 and 3, in block 81, Little Rock.				1,416 00
S. D. Blackburn and wife,	April 18 1849,	E h'f N E qr. of 3. N E qr. S of river 3 N E of S E fourth 3. N h'f of S E f'th of S E 3.	3 N.	14 W.		2,100 00
E. N. Conway,	Mar. 16 1849,	Lots 1, 2 and 3, in block 4, Rectortown.				300 00
John Robins & wife,	Oct'r 6, 1851,	N W f'th and W h'f of N E f'th and W h'f of S E f'th of 33	2 N.	9 W.	320	5,046 00
Albert Pike and wife,	Dec. 24, 1847,	Lots 1, 2, 3 10, 11 and 12, in block 11, Little Rock.				3,600 00
Albert Pike and wife,	Jan. 29, 1849,	Lots 10, 11 and 12, in block No. 101 Little Rock.				3,700 00

LIST, NUMBER TWO.

By whom conveyed to the State.	Date of Record.	Description of land and town lots.	Town.	Range.	Ac's	Am't of consideration named in the conveyance.
F. Notrebe and wife,	July 2, 1840,	Lot of about one acre in the Post of Arkansas.				$1—
Eli Sherrill and wife,	April 3, 1837,	Lots No. 4, 5, 6 and 7, in block 13, at Batesville.				800 00
J. Lawson, Sh'ff	Oct. 25, 1846,	Lots known as the Anthony House property in Little Rock.				2,122 00
Same,	Oct. 25, 1846,	Fraction Sec. 5.	1 S	11 W		400
W. B. Borden, Sheriff,	June 23, 1845,	N h'f of N W f'th 12	1 N	12 W		52 00
F. W. Trapnall and wife,	Oct. 25, 1845.	Lots 1, 2, 3 and 4, and east half of lot 5, in block 2, Little Rock.				1,065 00
W. L McGuire, Sheriff,	Feb. 17, 1845,	S W fr f'th of 19, N h'f of Sec. 19, W h'f of S E f'th 19, south of White river. N W f'th 19, north of river.	13 N	6 W		11,306 12

LIST, NUMBER THREE.

By whom conveyed to the State.	Date of Record.	Description of lands and town lots.	Town.	Range.	Acres.	Am't consideration named in convey'ce.
Williamson S, Oldham & wife,	March 7, 1846,	E h'f of N W f'th 34 S E f'th of S E f'th 27 E h'f of N E f'th 8, Part of lot No. 6, in block No. 30, Fayetteville.	16 N	30 W	200.00	$600 00
		S W f'th of Sec. 32.	20 N	30 W	160	
		E h'f N W qr. 14.	20 N	34	80	
Wm. L. Weddington & wife,	March 7, 1846,	E h'f of S E fourth 9,	14 N	32 W	80	

By whom conveyed to the State.	Date of Record.	Description of lands and town lots.			Acres.	Amt of consid'n named in the conveyance.
			Town.	Range.		
Wm. L. Weddington and wife,	Sept. 4, 1845,	N E qr of 14, N *W* qr of S E qr 14, *W* hf. of S E of 11, E hf. of S *W* 11,	16 N	32 *W*	360.00	$1,647
Samuel Adams and wife,	April 1, 1845,	*W*est hf of Sec 21 S *W* qr of S E qr 21 N E fr qr 28,	9 N	23 *W*	398.39	5,180 00
David G. Harris,	Mar. 7, 1846,	*W* hf of S *W* qr 20,	18 N	28 *W*	80	100
C. W. Dean & wife,	Aprl 19, 1844,	S hf of Sec 23, N hf. of Sec 26,	16 N	30 *W*	639	6,964
W. Jenkins, E. Kelly & wives,	Mar 18, 1844,	E hf of N E qr 36, E hf of S E qr 36,	8 N	29 *W*	63	761 00
David Walker, as Trustee.	Aprl 19, 1843,	*W* hf S *W* qr 14, *W* h'lf N *W* qu'r 23 East h'lf Section 22, E h'lf S. *W* qr. 22, S *W* qr of S *W* qr 22, North hf 27, *W* hf of S *W* 27,	16 N	30 *W*	1000	6,000 00
Wm. Skelton & wife,	Feb. 4, 1845,	S E qr Sec 7, E hlf of S. *W* qr 7, S E qr of N *W* 7, N *W* of N E 18, N E of N E of 18,	16 N	30 *W*	360	2,325
Mat. Leeper & wife,	*J*an. 10, 1839,	Block No. 15, in Fayetteville,				6,917
David G. Harris,	*J*uly 5, 1844,	Lots 2, 3, & 4, in block 31, Fayetteville,				666 00
Jas. B. Harris & wife,	Mar 26, 1845,	Lot No. 88, in Bentonville, S E qr of Sec 25,	20 N	31	160	2,000
Nich. Spring & wife,	Feb. 25, 1845,	S *W* qr of Sec 34,	20 N	31 *W*	160	600 00
*J*as. H. Wallace,	Feb. 22, 1845,	Lot No. 53, in Bentonville,				353 00
Chris. S. Pace and wife.	Mar 28, 1845,	Lot No. 87, in Bentonville.				118 50
*J*ohn Smith & wife,	Mar 29, 1845,	Lot No. 44, in Bentonville,				1,200 00
*J*ohn Spring,	Mar 27, 1845,	Lot No. 45, in Bentonville,				300 00

By whom conveyed to the State.	Date of Record.	Description of lands and town lots.			Acres.	Amt of consid'n named in the conveyance.
			Town.	Range.		
Nich. Spring & wife,	Mar 31. 1845,	Lots 102 and 103, in Bentonville, *W* hf of N E qr 6,	19 N	30 *W*	80	$1,060 00
John Carnall. Sheriff	Aug 14. 1848,	*W* hlf of Sec 23, N E qr and E fr hf 22, S E fr qr 22,	8 N	31 *W*	392.20	2,342
Elias Rector, as Marshal,	Aug 28. 1848,	S E qr of Sec 7, E hf of S *W* 7, S E of N *W* 7, N *W* qr of N E 18, N E qr of N E 18	16 N	30 *W*		5,576
		E hf of S E qr 9,	14 N	32 *W*		
		E hf of N *W* qr 34 S E of S E qr 27, E hf of N E 8,	16 N	30 *W*		
		N *W* qr 14, N *W* of S E qr 14 *W* hf of S E qr 11 E hf of S *W* qr 11	16 N	32 *W*		
		and lots 2, 3 and 4, in block No. 31, Fayetteville,				
Mack Boyd,	Oct 26, 1843,	*War* Eagle Mills, *Wash*ington Co.				253 00

LIST, NUMBER FOUR.

By whom conveyed to the State.	Date of Record.	Description of lands and town lots.			Acres.	Amt of consid'n named in the conveyance
			Town.	Range.		
Edw'd Gay & wife.	Nov 18, 1844,	South hf of Sec 4 S E qr of 5,	14 S	4 *W*	480	$1,920 00
M. Irwin, Sheriff,	April 2, 1844,	lots 493, 494 495, 496 and 497, in the town of Helena, and S E qr of Sec 5,	2 S	4 E		500 00
Thos O Marr,	Dec. 15, 1847,	Lot No 2 of the N *W* fr qr Sec 3,	18 N	1 E	98.1	3,000
Dav'd *W* Lowe,	Dec. 3, 1847,	Lots 1, 2, 3, 4, 5, 6, 7 and 8, in block No. 8, and lot No. 1, in block No. 9, in Batesville, N E qr of Sec 11	13 N	4 *W*		3,550

By whom conveyed to, the State.	Date of Record.	Description of lands and town lots.	Town.	Range.	Acres	Am't of consideration in conveyance.
Joshua Lee & wife	April 7, 1847,	N W qr. of Sec. 32,	14 N	5 W		$1,750
Joseph Gray & wife,	June 15 1847,	One third of 5000 acres of land in Franklin county, Tennessee,				6,000
Fr'k. W. Desha,	Oct. 3, 1849,	N W qr. of Sec. 32,	14 N	5 W	160	179 00
Aug's M. Ward and wife,	Oct. 3, 1844,	E h'f of N E qr. 2, E h'f of S E qr 30,	9 N 10 N	23W 23W	160	880 00
Jarrett Wayland and wife,	May 14, 1850,	Lots No. 1, 2, 3 and 4. in block 30, in the town of Pocahontas, Randolph county.				850 00
John Chandler, as Sheriff,	May 16, 1850	Lots 1, 2. 3, and. 4, bl'k 31 Pocahontas,				1,248 00
Wm. Adams & wife,	June 12 1849,	N E qr. N W qr. of Sec 17.	9 N	23 W	40	
Geo W Seaborn and wife,	Oct. 16, 1845,	S E qr. of S W qr. 18 S E fr. qr. of 18, Fr. part N E qr 27, E h,f of N E fr qr. 18,	5 N 5 N 5 N	4 E 3 E 4 E		4,364
E. R. McGuire,	Feb. 23, 1849,	S E fr. qr. Sec. 33, N W qr. 34, S W qr. 34,	12 N	3 W	300	3,957
Ant. H. Davis and wife,	Aug. 20 1850,	W half of Sec. 5, All of Sec. 6,	17 S	1 W	970	7,350
Tho. S. Jamas,	June 11 1846,	N E qr of Sec. 27, E h'f of N W qr. 27	6 S	9 W	240	870
Ro'sm. Vasseur and wife,	Dec. 24, 1846,	S W qr. Sec. 20,	10 S	1 W	160	1,600
S H. Wilson,		Lots No. 1, 2, 3, 4, 5, 6, 7, 8 and 9, block 1; lots 6, 7, 8, 9, 10, 19, 20, 22, 23, 24, 25, 26, 14, 15, 16, 17, 18, in block No. 3; 16 lots in block 5; all in U Napoleon N E qr 29. E h'f of N W qr. 29, N W fr. qr. 29, S W fr. qr. 20, S E qr. 27, Certain lots excepted.	10 S 10 S 10 S 10 S 10 S	1 E 1 E 1 E 1 E 1 E	114 80 135 159 103	1,000

On motion of Mr Burrow, 500 copies were ordered to be printed for the use of the General Assembly.

The joint resolution of the House of Representatives, declaring that it shall not hereafter be lawful for the two Houses of the General Assembly to go into convention to receive executive communications beyond the Inauguration address of each governor, hereafter to be elected, was read a first time, and ordered to lie on the table under the rule.

House bill No. 129, to be entitled "an act to regulate the mileage and per diem of members of the General Assembly," reported from the House of the Representatives as a substitute for Senate bill No. 1, entitled the same as the foregoing, was taken up and read a first time.

Mr Poindexter moved that the substitute be laid on the table for the present, and that a message be sent to the House of Representatives, asking a committee of conference be raised, to confer on the disagreement likely to arise betweeu the two Houses, on Senate bill No. 1, and House bill No. 129.

Mr. Underhill moved a non-concurrence in the amendment, or substitute, of the House to Senate bill No. 1, to be entitled "an act to regulate the per diem pay and mileage of members of the General Assembly."

But, before the question was put on either motion, the Chair decided that the House of Representatives could not insert in a Senate bill, the substance of a proposition which had eminated from that branch of the General Assembly, and had been voted down and rejected by a direct vote of the Senate; and, as House bill No. 27, to be entitled "an act to regulate and determine the mileage and per diem hereafter to be paid to members of the General Assembly," rejected by the Senate on the 13th November, (inst.), by a vote of 15 to 8, contained substantially the same matter as the substitute under consideration, that, therefore, the said substitute was out of order.

From this decision of the Chair, Mr Hampton appealed to the Senate. The question, "shall the decision of the Chair be sustained?" was stated from the Chair; Mr Harley called for the yeas and nays, which being sustained were ordered:

Yeas.—Messrs Berry, Billingsley Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Izard, Lemoyne, Maxwell, Miller, Mitchell and Underhill—18.

Nays—Messrs Hampton, Huey, Poindexter and Rose—4.

So the decision of the Chair was sustained, and the substitute declared to be out of order.

Mr. Poindexter renewed, and insisted on his motion to appoint a committee of conference.

Mr Izard moved that a special message be sent to the House of Representatives, informing them of the action of the Senate, and respectfully asking them to recede from their amendment or substitute, Mr Harley moved that the bill and substitute be returned to the House of Representatives, with a respectful message, informing them of the action of the Senate.

After some debate and explanations, the question was taken on Mr Poindexter's motion to raise a committee of conference, and decided in the negative without a division.

The Chair then directed the secretary to make out a message, informing the House of the action of the Senate; that their substitute had been decided by the Senate to be out of order; and with said message return to the House, Senate bill No. 1, and the substitute adopted therefor by the House, endorsed ass "House bill No. 129," for their further action thereon.

Message from the House of Representatives, by the clerk.

Mr President:

I am instructed to inform your honorable body, that the House of Representatives have concurred in the amendment of the Senate to House bill No. 122, entitled "an act making appropriations for the pay of members and officers of the General Assembly."

J. H. HOBBS,
Clerk of the House.

House bill No. 115, to be entitled "an act to repeal the *viva voce* and revive the ballot system of voting," was read a second time.

Mr Izard moved to lay the bill on the table until the 4th day of March next; upon which motion, Mr Chapman called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Chapman, Davidson, Ellis, Hawkins, Izard, Maxwell, Miller, Mitchell, Rose and Mr President—11.

Nays.—Messrs Billingsley, Burrow, Clarke, Fletcher, Hampton, Harley, Harrison, Huey, Lemoyne, Poindexter and Underhill—11.

So the motion to lay on the table until the 4th day of March next was lost.

On motion of Mr Huey, the rules of the Senate were dispensed with, and the bill read a third time.

After debate, the question, "shall the bill pass?" was stated from the Chair. Mr Izard called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Billingsley, Clarke, Fletcher, Hampton, Harley, Harrison, Huey, Lemoyne, Poindexter and Underhill—10.

Nays.—Messrs Berry, Burrow, Chapman, Davidson, Ellis, Hawkins, Izard, Maxwell, Miller, Mitchell, Rose and Mr President—12.

So the bill was lost.

Mr Harley, on leave, introduced the following resolution:

Resolved, That the committee on the judiciary be instructed to prepare and report a bill authorizing an election to be held at the next general election of this state, by the qualified electors thereof, for and against the *viva voce* system of voting, and declaring the decision of a majority of the votes so cast, to be the settled policy of the state, and providing for future elections in accordance with the will of the majority so expressed.

Which was read; the question being on its adoption, Mr Billingsley called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs. Billingsley, Chapman, Clarke, Fletcher, Hampton, Harley, Harrison, Huey, Lemoyne, Maxwell, Mitchell, Poindexter, Rose and Mr President—14.

Nays—Messrs Berry, Burrow, Davidson, Ellis, Hawkins, Izard and Underhill—7.

So the resolution was adopted.

On leave, Mr Poindexter, from the committee on ways and means, made the following report:

Mr President:

The committee on ways and means, to whom was referred Senate bill No. 39, entitled "an act to prevent the judges of the supreme court from starving," have taken the same under consideretion, and a majority of the committee have instructed me to report the accompanying bill as a substitute for said bill, and recommend its passage. POINDEXTER, *Chairman.*

A bill to be entitled an act to increase the salaries of the judges of the supreme court:

Sec. 1. *Be it resolved by the General Assembly of the State of Arkansas,* That the judges of the supreme court shall hereafter each be entitled to receive the sum of eighteen hundred dollars per annum as compensation for their services.

2. Be it further enacted, That the treasurer be hereby directed, upon warrant drawn by the auditor, to pay each of the judges of the supreme court, out of any moneys in the treasury not otherwise appropriated, the above sum of eighteen hundred dollars, in quarterly payments.

3. Be it further enacted, That this act shall be in force from and after the 1st of January, 1853.

Which report was read and received.

The joint resolution of the House of Representatives, instructing the attorney general to institute a strict investigation into the conduct of the swamp land commissioners, for the purpose of ascertaining whether they have not, in several matters, violated the law and laid themselves liable on their official bonds; and if so, to institute suit for such violations of law, duty, &c., was read a first time, and ordered to lie on the table one day under the rule.

On motion of Mr Hampton, the Senate adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President.*

Tuesday, Nov., 30th, 1852.

Senate met, pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—21.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform yaur honorable body that the House of Representatives have concurred in the amendment of the Senate to House bill No. 122, to entitled "an act making appropriations for the pay of members and officers of the General Assembly."

The House have concurred in the joint resolution of the Senate, fixing the 18th day of next month for the two Houses to adjourn, *sine die.*

The House of Representatives have passed House bill No. 143, entitled "an act to change the Military road, in Hempstead county which is herewith transmitted for the assent of the Senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Lemoyne, Mr Rose was added to the committee on the penitentiary.

No. 61, Mr Miller, on leave, introduced a bill to be entitled, "an act to provide more fully for the election of commissioners to sell or lease the 16th sections in congressional townships number 9. 10, 11 and 13, north of range number 29 west," which was read a first time.

On motion of Mr Miller, the rules of the Senate were dispensed with, and the bill read a second time; and, on further motion of Mr Miller, the rules of the Senate were again dispensed with, and the bill read a third time and passed.

On motion of Mr Underhill, Senate bill No. 57, to be entitled "an act providing for the subscription by the counties and municipel corporations, undertaking works of Internal Improvements, and for the payment and disposal of the stock so subscribed," was taken up and read a second time.

On motion of Mr Underhill, the bill was referred to the committee on internal Improvements; and on further motion of Mr. Underhill, 100 copies were ordered to be printed.

No. 62. Mr Harley, on leave, introduced a bill, to be entitled "an act to prevent the sacrifice of real estate sold under execution, decrees in chancery and deeds of trust," which was read a first time.

On motion of Mr Harley, the rules of the Senate were dispensed with, and the bill read a second time; on further motion of Mr Harley, the bill was referred to the committee on the judiciary; and, on further motion of Mr Harley, 100 copies of the bill were ordered to be printed.

On motion of Mr Hampton, leave of absence was granted to Mr Clarke on account of indisposition.

No. 63, Mr Rose, on leave, introduced a bill to be entitled "an act to authorize a geological examination of the State of Arkansas," which was read a first time.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and the bill read a second time; it was then ordered to a third reading on to-morrow.

Mr Huey, on leave, introduced the following resolution:

Resolved. That our Senators be instructed and our Representative requested to use all honorable means in their power to have the following territory added to, and made a part of the sixth (6) (Champagnolle) land district, west of the fifth principal meridian, to-wit: commencing at the north-west corner of the said 6th land district, and running north on the range line between twenty (20) and 21 west, to the township line between township eight (8) and nine (9) south, thence east on said township line to range line between eight and nine west, thence south to the present line of said land district, and that the secretary of State be requested to forward a copy of this resolution to each of our delegation in Congress; which was read a first time.

On motion of Mr Hampton, the rules of the Senate were dispensed with, the resolution taken up read a second time and adopted.

The joint resolution of the House of Representatives, declaring that it shall not be lawful for the two Houses of the General Assembly to go into convention to receive executive commenications beyond the inaugural address of each governor hereafter to be elected, was read a second time.

On motion of Mr Lemoyne it was laid on the table indefinitely.

House bill No. 118, to be entitled "an act to repeal an act passed at the last session of the General Assembly, and approved January 1st, 1850," read a second time.

On motion of Mr Chapman, the bill, together with the petition presented by him on yesterday, signed by 31 citizens of Izard county, were referred to a select committee, consisting of Messr's Chapman, Berry and Davidson.

House bill No. 120, to be entitled "an act for the relief of William J. Murphey, sheriff and collector of Randolph county," was read a first time.

On motion of Mr Ellis, the rules of the Senate were dispensed with, and the bill read a second time.

Mr Ellis offered the following amendment:

Add to the 1st section of the bill the words, "or by the judge thereof in vacation."

Which amendment was was read and adopted.

On motion of Mr Huey, the rules of the Senate were dispensed with, the bill as amended, read a third time, and passed.

House bill No. 13, to be entitled "an act to constitute William T. Hardy the lawful heir of Flavius S. White," was read a third time, and passed.

Message from the governor by Richard H. Johnson Esq., his excellency's private secretary.

Mr President:

I am instructed by the governor to report to the Senate, that on the 29th of November, 1852, he approved and signed "an act to call in the scrip of Marion county."

The joint resolution of the House of Representative, instructing the attorney general of the state, to institute a strict investigation into the conduct of the swamp land commissioners, &c., was read a second time.

Mr Burrow moved to refer the resolution to the committee on public lands.

Mr Underhill moved to refer the resolution, together with the report of the swamp land commissioners, (now in the hands of the committee on internal improvements), to the committee on public lands.

The question after debate was taken on the motion to refer, and it prevailed; and the resolution, and report of the swamp land commissioners, were referred to the committee on public lands.

Mr Huey was called to the chair.

Senate bill No. 44, to be entitled "an act to repeal the act of December 30th, 1848, distributing the internal improvement fund, and provide for the investment of the same," was read a second time.

On motion of Mr Underhill, the bill was referred to the committee on internal improvements.

Senate bill No. 56, to be entitled "an act to limit municipal corporations," was read a second time, and ordered to a third reading on to-morrow.

Senate bill No. 39, to be entitled "an act to increase the salaries of the judges of the supreme court," was read a third time.

Mr Berry moved to lay the bill on the table until the 4th day of July next, and called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Davidson, Ellis, Harley, Maxwell and Rose—7.

Nays.—Messrs Burrow, Chapman, Fletcher, Hampton, Harrison, Hawkins, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Underhill and Mr President—14.

So the motion to lay the bill on the table until the 4th day of July next, was lost.

The question, "Shall the bill pass?" was taken from the chair.

Mr Berry called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Burrow, Chapman, Fletcher, Hampton, Harrison, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Underhill and Mr President—13.

Nays.—Messrs Berry, Billingsley, Davidson, Ellis, Harley, Maxwell, Miller and Rose—8.

So the bill was passed.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have examined an act to authorize the holding a special term of the county court of Johnson county, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

The joint resolution of the Senate, instructing our Senators, and requesting our Representative, in Congress to use their influence, to procure the establishment of a mail route from Carrollton, Carroll county, Arkansas, to Rockbridge, Ozark county, Missouri, *via* Worth post office, Marion county, was read a second time, and adopted.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature, "an act to change the names of Elzada J., Elizabeth C. and John H. H. Sexton, to those of Elzada J., Elizabeth C. and John H. H. Flowers, and to constitute them legal heirs of Harrison D. Flowers;" also, "an act to change the time of holding the probate court of Pope county;" also, "an act making appropriations for the pay of members and officers of the General Assembly.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Rose, the resolution of the Senate, proposing to amend the fourth article of the constitution of the State of Arkansas, so as to reduce the number of Senators to 18, and Representatives, to 54 members, was taken up and read.

The question, "Shall the resolution be ordered to a second reading on to-morrow?" was taken from the chair, and decided in the negative, by the following vote:

Yeas.—Messrs Berry, Billingsley, Davidson, Ellis, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose and Underhill—12.

Nays.—Messrs Burrow, Chapman, Fletcher, Hampton, Harley, Harrison, Hawkins, Poindexter and Mr Presidednt—9.

So the resolution was lost.

On motion of Mr Lemoyne, the joint resolution of the Senate, proposing to amend the constitution of the state, so as to author- the the General Assembly of the state to erect counties, containing 600 square miles, was taken up and read a second time.

It was ordered to a third reading on to- morrow, by the following vote:

Yeas.—Messrs Billingsley, Burrow, Chapman, Davidson, Ellis, Fletcher ,Hampton, Harrison, Hawkins, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Underhill and Mr President—17.

Nays.—Messrs Berry, Harley, Maxwell and Rose—4.

The joint resolution of the Senate, proposing to amend the 13th section of the 6th article of the constitution, so as to authorize the qualified voters of the state to eluct the attorney general of the state, was read a third time, and adopted by the following vote:

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose Underhill and Mr President—20.

Nay.—Mr Poindexter—1.

Mr Burrow laid before the Senate the following certified amendments to the constitution of the state, proposed at the last session of the General Assembly:

Resolved by the General Assembly of the State of Arkansas, That they do propose the following amendments to the constitution of this state, to-wit:

That the 29th section of the 4th article of the constitution of the state of Arkansas be so amended, that Lafayette county may be reduced to 800 square miles, and that a new county may be formed out of said county, of like dimensions.

T. B. FLOURNOY,
Speaker of the House of Reps.
JOHN R. HAMPTON,
President of the Senate.

Approved January 11th, 1851.
JOHN SELDEN ROANE.

Resolved by the General Assembly of the State of Arkansas, That the following amendments be proposed to the constitution of the State of Arkansas, (viz):

That the 29th section of the 4th article of the constitution be amended, so as to allow the counties of Green, Poinsett and Desha to be reduced to eight hundred square miles, and that a new county may be formed out of the counties of Green and Pointsett, of like dimensions.

T. B. FLOURNOY,
Speaker of the House of Reps.
JOHN R. HAMPTON,
President of the Senate.

Approved January 9th, 1852.
JOHN SELDEN ROANE.

I certify that the foregoing is a true copy of the original, on file in my office.

Given under my hand and seal of office, on 31st November, A. D., 1852.

L. S.

D. B. GREER
Secretary of State.

Which were read.

The first resolution introduced in the foregoing certificate, proposing to amend the 29th section of the 4th article of the constitution, so that Lafayette county may be reduced to 800 square miles, and that a new county may be formed out of said county, of like dimensions, was read a first time, and ordered to a second reading on to-morrow, by the following vote:

Yeas.—Messrs Berry, Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill and Mr President—19.

Nays.—Messrs Billingsley and Rose—2.

The resolution adopted by the last legislature, proposing to amend the 29th section of the 4th article of the constitution of the State of Arkansas, so as to allow the counties of Green, Poinsett and Desha, to be reduced to 800 square miles, and that a new county may be formed out of the counties of Green and Poinsett, of like dimensions, was read first time and, ordered to a second reading on to-morrow, by the following vote;

Yeas.—Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Miller, Mitehell, Poindexter, Underhill and Mr President—19.

Nays.—Messrs Maxwell and Rose—2.

Mr Billingsley moved that the Senate adjourn.

Which motion was lost.

On motion of Mr Burrow, Mr Ellis was added to the committee on the penitentiary.

On motion of Mr Harley, the Senate adjourned.

THOMAS B. HANLEY, *President.*

* * *

Wednesday, Dec. 1st 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Burrow, Chapman, Davidson, Ellis, Fletcher, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—20.

Prayer by the Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Poindexter, from the committee on ways and means, made the following

REPORT:

Mr President:

The committee on ways and means, to whom was referred Senate bill No. 3, entitled "an act amendatory of the revenue laws." ask leave to return the same, and that it be discharged from the further consideration of the bill.

POINDEXTER, *Chairman*.

Which report was read and received.

Mr President:

The committee on ways and means, to whom was referred Senate bill No. 60, entitled "an act to separate the office of assessor from that of sheriff," have taken the same under consideration, and believe, at this time, it would be inexpedient to make the change in the present mode of assessment, as is provided in the bill; as the committee is on opinion there are many counties in this state where the emoluments of the sheriff are hardly sufficient, at this time, to induce competent men to take that office; therefore, recommend the rejection of said bill.

POINDEXTER, *Chairman*.

Which report was read and received.

Mr Miller, from the committee on claims, made the following.

Mr President:

REPORT:

The committee on claims, to whom was referred the petition of John Delaney, who is the legal atorney for the heirs of David Delaney, deceased, ask leave to report, that they have had said petition and all other papers touching said case, under consideration, and that they find that the amount of $460 and 14 cents is the amount that has escheated to the State of Arkansas, and now in the hands of the state treasurer; and therefore, they recommend, that the treasurer be instructed and compelled to pay over to the said John Delaney the sum of $460 and 14 cents, as said attorney for said heirs, and the committee herewith report a bill for that purpose, which they recommend may be passed.

JESSE MILLER, *Chairman*.

Which report was read and received.

No. 64. The bill accompanying the above report, to be entitled "an act for the relief of the heirs of David Delaney, deceased," was also read as part of the report.

On motion of Mr Berry, the rules of the Senate were dispensed with, and the bill taken up, and read a first time.

On motion of Mr Billingsley, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Billingsley, the bill was referred to the committee on the judiciary.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the House have passed the following bills, to-wit:

House bill No. 134, entitled "an act for the relief of R. C. Reed, sheriff of Scott county." House bill No. 143, entitled "an act for the relief of Benjamin F. Danley, late sheriff of Pulaski county." House bill No. 128, entitled "an act for the relief of Samuel J. Mason, sheriff of Izard county." House bill No. 140, entitled "an act to provide for the location of the county seat of Arkansas county." House bill No. 150, entitled "an act to change the time of holding the probate court in Phillips county." House bill No. 151, entitled "an act to change the time of holding the probate court in Pike county." House bill No. 158, entitled "an act to change the time of holding the probate court of Sebastian county." House bill No. 70, to be entitled "an act for the relief of Luther B. Venable, sheriff of Van Buren county." House bill No. 73, entitled "an act for the relief of the securities of James M. Bowden, as collector of revenue for White county, for the year 1851." House bill No. 164, entitled "an act amendatory of an act to incorporate the Soulesbury institute." House bill No. 165, entitled "an act to call in the scrip of Yell county;" which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have concurred in the amendments of the Senate to House bill No. 87, to be entitled "an act to to call in the scrip of Madison county." The have also concurred in the amendments of the Senate to House bill No. 76, to be entitled "an act to exempt certain persons from serving on juries."

They have also adopted a joint memorial from this General Assembly to the Congress of the United States, asking for an appropriation to improve the navigation of the Arkansas, Ouachita and White rivers; which is herewith transmitted for the concurrence of the Senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, have had under consideration, Senate bill No. 55, to be entitled "an act to require internal improvement commissioners to loan out the money belonging to the internal improvement fund, and have instructed me to report said bill without amendment, and recommend its passage.

UNDERHILL, *Chairman.*

Which report was read and received.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, have had under consideration, Senate bill No. 49, to be entitled "an act appropriating $50,000 to improve the navigation of Saline river, together with sundry proposed amendments thereto, and have instructed me to report the same back, and recommend their rejection.

UNDERHILL, *Chairman.*

Which report was read and received.

Mr Hampton moved the adoption of the report.

After debate, and the reading of the bill and amendments, the question, ' 'Shall the report be adopted?" was taken from the chair.

Mr Burrow called for the yeas and nays, and being sustained, the roll was called.

Yeas.—Messrs Berry, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—16.

Nays.—Messrs Billingsley, Burrow, Henson, Maxwell and Miller—5.

Mr Clarke asked to be and was excused from voting, as he had just taken his seat, and did not understand the question.

So the report was adopted, and the bill thereby rejected.

Mr Chapman, from a select committee, made the following:

REPORT:

Mr President:

The select committee, to whom was referred House bill 118, have had the same under consideration, and instruct me to report the same back, with an amendment.

CHAPMAN, *Chairman.*

Amend, by adding, after the word "repeal," in the 2d section, the following:

And in case said George H. Morton shall fail, refuse or omit to comply with the requirements of this act, he shall forfeit and pay to the county of Izard, not less than ten dollars, nor more than fifty dollars, to be recovered by indictment in the circuit court of said county of Izard.

Which report was read and received.

No. 65. Mr. Berry, on leave, introduced a bill, to be entitled "an act for the benefit of Alfred Cabler."

Which was read a first time.

On motion of Mr Berry, the rules of the Senate were dispensed with, and the bill read a second time.

Mr Huey offered the following amendment:

Add to the first section the following words:

And that the sum of one hundred and twenty-four dollars be, and the same is hereby appropriated out of the state treasury, to pay George W Cox, of Ouachita county, for arresting and returning to the sheriff of Ouachita county, a fugitive from justice, named Milam.

Which was read.

On motion of Mr Huey, it was adopted.

At the request of Mr Harley, Mr Huey moved to reconsider the vote taken on the adoption of the amendment.

Which motion prevailed.

The question was taken on the adoption of the amendment, after debate, and it was lost upon a division.

On motion of Mr Berry, the bill, together with the receipt of the penitentiary, given to Mr Clarke upon the delivery of James Lagrone, a convict from the penitentiary, who escaped on 18th March, 1851, were referred to the committee on claims.

No. 66. Mr Berry, on leave, introduced a bill, to be entitled "an act to exempt widows from paying tax."

Which was read a first time.

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and the bill read a second time.

Mr Harley moved an indefinite postponement of the bill.

Mr Lemoyne moved to refer the bill to a select committee of three.

Mr Chapman moved that the committee consist of bachelors.

Before the question was taken on any of the motions, Mr Burrow, by common consent, offered the following amendment:

Add, after the word "widows," in the 2d line of the 2d section, the words "and all young ladies who have never been married."

Which was read.

Mr Izard moved to amend the amendment, by adding, after the word "married," "and that all bachelors in this state shall be taxed double."

Mr Huey moved to lay the bill and amendments on the table, until the 29th day of July next.

Upon which motion, Mr Maxwell called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Billingsley, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Lemoyne, Maxwell, Miller, Mitchell, Poindexter and Rose—16.

Nays.—Messrs Berry, Burrow, Izard, Underhill and Mr President—5.

So the bill and amendments were laid on the table, until the 29th day of July next.

House bill No. 134, to be entitled "an act for the relief of R. C. Reed, sheriff of Scott county," was read a first time.

On motion of Mr Miller, the rules of the Senate were dispensed with, and the bill read a second time.

House bill No. 133, to be entitled "an act for the relief of Benjamin F. Danley, late sheriff of Pulaski county," was read a first time.

On motion of Mr Burrow, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Fletcher, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Miller, House bill No. 134, to be entitled "an act for the relief of R. C. Reed, sheriff of Scott county," was taken up.

On further motion of Mr Miller, the rules of the Senate were dispensed with, the bill read a third time, and passed.

House bill No. 143, to be entitled "an act to change the military road in Hemptead county," was read a first time, and ordered to a second reading on to-morrow.

House bill No. 150, to be entitled "an act to change the time of holding the probate court in Phillips county," was read a first time.

On motion of Mr Izard, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Izard, the rules of the Senate were again dispensed with,the bill read a third time, and passed.

House bill No. 140, to be entitled "an act to provide for the location of the county seat of Arkansas county," was read a first time.

On motion of Mr Burrow, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Burrow, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

House bill No. 128, to be entitled "an act for the relief of Samuel J. Mason, sheriff of Izard county," was read a first time.

On motion of Mr Chapman, the rules of the Senate were dispensed with, and the bill read a second time.

Mr Chapman moved to suspend the rules of the Senate, and read the bill a third time.

Mr Izard objected to the motion, and expressed a desire that the bill should be referred and investigated.

Mr Chapman modified his motion, by moving a reference to a select committee.

Which motion prevailed.

The chair appointed Messrs Chapman, Mitchell and Izard such select committee.

House bill No. 158, to be entitled "an act to change the time of holding the probate court of Sebastian county," was read a first time, and ordered to a second reading on to-morrow.

House bill No. 165, to be entitled "an act to call in the scrip of Yell county," was read a first time,

On motion of Mr Lemoyne, the rules of the Senate were dispensed with, and the bill read a second time.

On further motion of Mr Lemoyne, the rules of the Senate were again dispensed with, the bill read a third time, and passed.

The memorial of the House of Representatives, praying the Congress of the United States to appropriate $50,000 for the removal of the obstructions to navigation in the Arkansas river; $25,000, for White river, and $25,000 for Ouachita river, was read a first time.

Mr Poindexter was called to the chair.

On motion of Mr Burrow, the rules of the Senate were dispensed with, and the memorial read a second time.

Mr President offered the following amendment:

Amend the memorial, so as to embrace Maddox's Bay and Cache river, and that the sum of ten thousand dollars be asked to be appropriated by Congress to each of these streams.

Which amendment was read.

After debate, the question was taken on its adoption, and it was lost.

Mr Burrow moved to refer the memorial to the committee on federal relations.

Which motion was lost.

Mr Burrow offered the following amendment:

And, ten thousand for Saline river, ten thousand for Little Missouri river, and ten thousand for Bayou Bartholomew.

Which was read.

Mr Clarke moved that the memorial and amendment be referred to the committee on federal relations; but, before the question was taken, he, at the request of Mr President, withdrew his motion to refer.

Mr President offered the following amendment:

Amend the memorial, by including and embracing that portion of the St. Francis river situate within the bounds of this state, and that the sum of twenty-five thousand dollars be asked to be appropriated to the removal of the obstructions from that river.

Which was read.

Mr Maxwell offered the following amendment:

Strike out "twenty-five thousand dollars," and insert "seventy-five thousand dollars," on White river, and that the improvement shall extend to the three forks of said river.

Which was also read.

Mr Clarke renewed his motion to refer the memorial, together with all amendments, to the committee on federal relations,

On which motion Mr Burrow called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Billingsley, Burrow, Clarke, Hampton, Henson, Izard, Maxwell, Miller, Poindexter, Rose and Mr President—11.

Nays.—Messrs Berry, Chapman, Davidson, Ellis, Fletcher, Harley, Hawkins, Huey, Lemoyne, Mitchell and Underhill—11

So the motion to refer to the committee on federal relations was lost.

Mr Hampton moved to lay all the amendments on the table.

On which motion Mr Izard called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Chapman, Davidson, Fletcher, Hampton, Harley, Hawkins, Huey, Lemoyne, Mitchell, Poindexter and Rose—12.

Nays.—Messrs Billingsley, Burrow, Clarke, Ellis, Henson, Izard, Maxwell, Miller, Underhill and Mr President—10.

So the amendments were laid on the table.

Mr Burrow offered the following amendments:

One hundred thousand dollars for Arkansas river.

One hundred thousand dollars for Red river, above the raft.

Mr Hampton moved to refer the memorial and amendments to the committee on memorials.

Which motion, upon a division, was lost.

Mr Clarke moved to refer the memorial and amendments to the committee on militia.

Which motion was lost.

Mr Burrow moved the adoption of the amendments.

Mr Harley moved the previous question.

Which motion prevailed, and the previous question sustained.

The question being on the adoption of the amendment appropriating $100,000 for Arkansas river, Mr Huey called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Billingsley, Burrow, Clarke, Izard, Lemoyne, Maxwell, Miller, Rose and Mr President—9.

Nays.—Messrs Berry, Chapman, Davidson, Ellis, Fletcher, Harrison, Harley, Hawkins, Henson, Huey, Mitchell, Poindexter and Underhill—13.

So the amendment was lost.

The question being on the adoption of the amendment asking $100,000 for Red river, above the raft, Mr Izard called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Billingsley, Burrow, Clarke, Izard, Maxwell, Yose and Mr President—7.

Nays.—Messrs Berry, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Lemoyne, Miller, Mitchell, Poindexter and Underhill—15.

So the amendment was lost.

Mr Izard moved that the senate adjourn.

Which motion was lost.

The question being the adoption of the memorial, Mr Clarke called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Berry, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Lemoyne, Maxwell, Miller, Mitchell, Poindexter and Mr President—17.

Nays.—Messrs Billingsley, Burrow, Izard, Rose and Underhill —5.

So the memorial was adopted.

On motion of Mr Hampton, the senate took a recess, until 2 o'clock, P. M.

At 2 o'clock, P. M., the senate convened.

On motion of Mr Izard, the senate adjourned until to-morrow morning, 10 o'clock.

THOMAS B. HANLEY, *President.*

Thursday, Dec. 2d, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Mr President—18.

Prayer by Rev. A. R. Winfield, chaplain.

Mr Huey presented the credentials of the Hon. Michael Bozeman, senator elect from the counties of Clark and Montgomery, who appeared within the bar of the senate, was sworn into office by James A. Hutchins, Esq., a justice of the peace of Big Rock township, Pulaski county, and took his seat.

The journal of yesterday was read and approved.

Mr Berry, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrollments have examined "an act for the benefit of R. H. Butrom, of the county of Pope;" also, a resolution, instructing our senators in Congress and requesting our representative, to use the best efforts to have established, from Little Rock to Aberdeen, or Rock Roe, in Monroe county, by the way of Lawrenceville, so as to have an over land communication, by mail stage service, from the Mississippi river, at the point aforesaid, with the capital of the state; and thence westward and southwestward, to the Louisiana and Texas boundaries, thereby accommodating the wants of the people in these various regions, and exposing to the wayfarer and traveler the resources and wealth of our state, and have instructed me to report the same correctly enrolled.

BERRY, *One of the Committee.*

Mr Miller introduced the following

PREAMBLE AND RESOLUTION:

Whereas, The citizens of that portion of the state, situated between Ozark, in Franklin county, westward to Red river, are, and have been much aggrieved for the want of mail facilities; Therefore,

Be it resolved by the General Assembly of the State of Arkansas, That our delegation in Congress be requested to obtain, if possible, the transmission of a weekly mail, in mail stages, from Ozark, in Franklin county, by way of Grand Prairie; thence to Waldron, in Scott county; thence to Westwood, on Red river; and that the secretary of state be required to furnish our delegates in Congress with a copy of this resolution.

Which was read a first time, and ordered to lie on the table one day, under the rule.

On motion of Mr Huey, Mr Bozeman was added to the following standing committees:

On Auditor and Treasurers Books; on Ways and Means; on Claims; on Agriculture.

On motion of Mr Izard, Mr Billingsley was added to the committee on internal improvements.

No. 67. Mr Poindexter, on leave, introduced a bill, to be entitled "an act to authorize Rebecca Daniels to sell certain real estate."

Which was read a first time.

On motion of Mr Poindexter, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr Poindexter, the bill was amended, by adding, after the word "eleven," in the 16th line of the preamble, the word "south;" and by adding, after the word "fifteen," in the 22d line of the preamble, the word "south."

On further motion of Mr Poindexter, the rules of the Senate were again dispensed with, the bill, as amended, read a third time, and passed.

On motion of Mr Huey, leave of absence was granted to Mr Harrison, on account of indisposition.

No. 68. Mr Davidson, on leave, introduced a bill, to be entitled "an act for the relief of Braxton C. Crump, sheriff and collector of Crittenden county."

Which was read a first time.

On motion of Mr Davidson, the rules of the senate were dispensed with, and the bill read a second time.

Mr Davidson moved to dispense with the rules of the senate, and read the bill a third time; but, upon Mr Harley objecting to the motion, he withdrew it; when Mr Underhill explained the object of the bill, and renewed the motion to dispense with the rules of the senate, in order to read the bill a third time.

Mr Harley withdrew his objections, and the question on Mr Underhill's motion was put and carried.

The bill was then read a third time, and passed.

No. 69. Mr Underhill, on leave, introduced a bill, to be entitled "an act concerning negotiable paper."

Which was read a first time.

On motion of Mr Underhill, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr, Underhill; the bill was referred to the committee on the judiciary.

Mr Chapman, on leave, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred house bill, No. 128, for the relief of Samuel J. Mason, sheriff of Izard county, have had the same under consideration; and have instructed me to report it back to the senate, and recommend its passage with the amendment.

CHAPMAN, *Chairman.*

Amend by adding the following as an additional section:

Sec. 2. That the above amount of eighty-seven dollars and thirty-four cents, be; and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry into effect the provisions of this act.

Which report was read and received.

Bills from the house of representatives being in order,

House bill No. 128, to be entitled "an act for the relief Samuel J. Mason, sheriff of Izard county," together with the amendment reported by the select committee to whom it was referred, were taken up and read.

The amendment was then adopted, and the bill, as amended, read a third time and passed.

House bill No. 70, to be entitled an act for the relief of Luther R. Venable, sheriff of Van Buren county," was read a first time.

On motion of Mr Maxwell, the rules of the senate were dispensed with, and the bill read a second time.

Mr Maxwell moved to suspend the rules of the senate, and read the bill a third time.

Mr Huey objected; and moved that the bill be referred to the committee on ways and means, in order that it might be investigated.

Which motion prevailed, and the bill was referred to the committee on ways and means.

House bill No. 118, to be entitled "an act to repeal an act passed by the last General Assembly, and approved the 2d of January, 1851," and the amendment thereto, reported by the select committee on yesterday, were read.

The amendment was adopted; and the bill as amended, read a third time and passed.

House bill No. 143, to be entitled "an act to change the military road in Hempstead county," was read a second time.

On motion of Mr Chapman, the rules of the senate were dispensed with, the bill read a third time and passed.

House bill No. 134, to be entitled "an act to change the time of holding the probate court in and for the county of Pike, in the state of Arkansas," was read a first time.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Poindexter, the rules of the senate were again dispensed with, the bill read a third time and passed.

On motion of Mr Huey, the vote taken on his motion to refer house bill No. 70, to be entitled "an act for the relief of Luther R. Venable, sheriff of Van Buren county," to the committee on ways and means, was reconsidered.

The question was then taken on the motion to refer the bill to the committee on ways and means, and it was lost.

On motion of Mr Huey, the rules of the senate were dispensed with, the bill read a third time and passed.

House bill No. 164, to be entitled "an act amendatory of an act to incorporate the Soulesbury Institute," was read a first time.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of motion of Mr Chapman, the bill was referred to the committee on education.

House bill No. 158, to be entitled "an act to change the time of holding the probate court of Sebastian county," was read a second time.

On motion of Mr Harley, the rules of the senate were dispensed with, the bill read a third time and passed.

House bill No. 73, to be entitled "an act for the relief of the securities of James M. Bowden, as collector of revenue for White county, for the year 1851," was read a first time.

On motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Chapman, the bill was referred to the committee on the judiciary.

The resolution adopted by the last General Assembly, proposing to amend the 29th section of the 4th article of the constitution so that Lafayette county may be reduced to 800 square miles, and that a new county may be formed out of said county, of like dimensions,

Was read a second time, and ordered to a third reading on to-morrow, by the following vote:

Yeas—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Fletcher, Hampton, Harley, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill and Mr President—18.

Nays.—Mr Rose—1.

The resolution adopted by the last General Assembly, proposing to amend the 29th section of the 4th article of the constitution of the state of Arkansas, so as to allow the counties of Green, Poinsett and Desha, to be reduced to 800 square miles, and that a new county may be formed out of the counties of Green and Poinsett, of like dimensions,

Was read a second time, and ordered to a third meeting on to-morrow, by the following vote;

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Fletcher, Hampton, Harley, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill and Mr President—18.

Nays.—Mr Rose—1.

Senate bill No. 65, to be entitled "an act to authorize a geological examination of the State of Arkansas," was read a third time.

Mr Huey moved to refer it to the committee on ways and means.

Which motion, on a division, was lost.

On motion of Mr Lemoyne, the bill was then referred to the committee on internal improvements.

Senate bill No. 32, to be entitled "an act to amend the 1st section of an act creating the county of Calhoun," together with the amendment, reported by the select committee on the 27th inst., to whom the bill was referred, were read, and amendment adopted.

On motion of Mr Huey, the bill was ordered to be engrossed, and read a third time on to-morrow.

The joint resolution of the senate, instructing our senators, and requesting our representative, in Congress to use their best efforts to procure the transportation of the mail, in two-horse coaches, once a week, from Ozark, in Franklin county, *via* St. Paul, Huntsville, William Easley's and Bentonville, to Marysville, was read a second time, and adopted.

The joint resolution of the senate, instructing our senators, and requesting our representative in Congress, to use their influence to procure the establishment of a mail route from Little Rock *via* Springfield, Conway county, to Clinton, in Van Buren county, was read a second time, and adopted.

Senate bill No, 52, to be entitled "an act to strike from the list of taxable property, horses and neat cattle, and increase the revenue of the state," was read a second time.

Mr Henson offered the following amendment:

Insert, after the word "cattle," in the 4th line of the 3d section, the words, "and mules."

Which was read.

Mr Huey moved to lay the bill and amendment on the table indefinitely.

But at the request of senators, he withdrew his motion for the present.

After debate, Mr Huey renewed his motion, to lay the bill and amendments on the table indfienitely.

On which motion, Mr Harley called for the yeas and nays; but before the question was taken, Mr Huey, at the request of Mr Izard, and by leave of the senate, withdrew his motion; when Mr

Harley moved to refer the bill and amendment to the committee on ways and means.

Which motion was lost.

On motion of Mr Burrow, the bill and amendment were referred to the committee on the judiciary, with instructions to report on the questions of law involved in the bill.

The report of the committee on ways and means, recommending the rejection of senate bill No. 60, to be entitled "an act to separate the office of assessor from that of sheriff," moved on yesterday, was, together with the bill, taken up add read.

Mr Maxwell moved to refer the bill to a select committee.

Mr Lemoyne moved the adoption of the report.

Which motion, having precedence over the motion to refer, was put and carried; and the bill was thereby rejected.

The joint resolution of the senate, instructing the secretary of state to transmit authenticated copies of all resolutions adopted by this General Assembly, to our delegation in Congress, was read a second time, and adopted.

Senate bill No. 55, to be entitled "an act to require the internal improvement commissioners to loan out the internal improvement fund," was read a third time, and passed.

The resolution of the senate, requesting our representative in Congress to use all proper exertions at an early period to procure the passage through the house of representatives, the senate bill, granting lands to the Memphis and Fulton railroad, and the Gaines' Landing and Fulton railroad, was read a second time, and on motion of Mr Burrow, referred to a select committee of five, consisting of Messrs Burrow, Clarke, Harley, Mitchell and Underhill.

On motion of Mr Chapman, the senate adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President.*

Friday, Dec. 3d, 1853.

The Senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Davidson, Ellis, Hampton, Harley, Henson, Huey, Izard, Maxwell, Miller, Mitchell, Poindexter, Rose and Underhill and Mr President—19.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body that the house of representatives have adopted a joint resolution, authorizing the secretary of the senate and the clerk of the house, to certify accounts for contingent expenses of the two houses during the present session; which is herewith transmitted for the concurrence of the senate.

J. H. HOBBS,
Clerk of the House.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have concurred in the amendments of the senate to house bill 120, to be entitled "an act for the relief of Wm. J. Murphy."

The house of representatives have adopted an amendment to senate bill No. 31, to be entitled "an act to confirm certain sales;" which is herewith returned for the concurrence of your honorable body, which is respectfully asked.

They have also passed the following bills, entitled as follows:

"An act to change the time of holding the county and probate courts of Sebastian county." "An act to change the present mode of appointing deputy clerks and sheriffs." "An act to incorporate Arkansas College." Also, "an act to amend chapter 138 of the Digest, under the head of Revenue of the Counties."

All of which is herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Berry, the rules of the senate were dispensed with; and the joint resolution of the house of representatives, instructing the secretary of the senate and clerk of the house, to certify accounts for the contingent expenses for the two houses, during the present session, was taken up and read a first time.

On further motion of Mr Berry, the rules of the senate were further dispensed with, the resolution taken up, read a second time and concurred in by the senate.

Mr Poindexter presented the account of Jacobi, for folding and and stitching the Governor's message and accompanying documents, amounting to $62 25.

Which was read, and on motion of Mr Poindexter, referred to the committee on ways and means.

Mr Burrow introduced the following

JOINT RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, 1st. That we have confidence in the democracy of our delegation in the Congress of the United States.

2d. That our senators in the Congress of the United States, be instructed, and the representative of the people of the state, requested to give no vote on any subject matter in the Congress of the United States, which is in opposition to the principles embraced in the democratic platform, put forward by the National Demcratic Convention which nominated Franklin Pierce for the presidency.

3d. *Resolved further*, That any and all instructing resolutions, which have been passed by this General Assembly, or any previous legislature of this state, in conflict with the foregoing resolutions, be, and the same are hereby repealed.

Which was read, and laid on the table one day, under the rule.

No. 70. Mr Hampton, on leave, introduced a bill, to be entitled "an act to build a bridge across Mulberry river, in Franklin county."

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and the joint resolution of the senate, proposing to amend the constitution of the State of Arkansas, so as to authorize the General Assembly to erect and establish counties, containing not a less area than 600 square miles, was taken up and read a third time.

It was adopted by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Hawkins, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose, Underhill, and Mr President—18.

Nays.—Messrs Harley and Maxwell—2.

On motion of Mr Billingsley, house bill No. 159, to be entitled "an act to incorporate Arkansas College," was taken up, and read a first time.

On motion of Mr Billingsley, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Billingsley, the rules the senate were again dispensed with, the bill read a third time, and passed.

Mr Burrow, on leave, introduced the following

RESOLUTION:

Resolved, That Allexander Fry, door-keeper of the senate, be desired to prepare chairs in the gallery of the senate for the accommodation of the ladies, who desire to hear the deliberations of the senate.

Which was read and adopted.

House bill No. 60, to be entitled "an act to change the present mode of appointing deputy clerks and sheriffs," was read a first time, and ordered to a second reading on to-morrow.

House bill No. 186, to be entitled "an act to change the time of holding the probate court of Lafayette county," was read a first time.

And on motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time,

On motion of Mr Hawkins, the rules of the senate were again dispensed with, the bill read a third time, and passed.

House bill No. 145, to be entitled "an act to amend chapter 138 of the revised statutes of the State of Arkansas, under the head of Revenue of the Counties," was read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Poindexter, the bill was laid on the table for the present.

The amendment of the house of representatives to senate bill No. 31, to be entitled "an act to confirm certain sales," was read a first time, and ordered to a second reading on to-morrow.

Senate bill No. 56, to be entitled "an act to limit municipal corporations,' was read a third time, and passed.

Mr Huey was called to the chair.

Senate bill No. 3, to be entitled "an act amendatory of the revenue laws;" was read a third time.

On motion of Mr Chapman, the bill was laid on the table for the present.

Senate bill No. 43, to be entitled "an act to amend the 1st section of the 13th chapter of the Digest of the statutes of Arkansas," was read a third time.

Mr Poindexter moved to lay the bill on the table indfinitely, and called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Chapman, Davidson; Ellis, Fletcher, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—14.

Nays.—Messrs Bozeman, Burrow, Harley, Hawkins, Henson and Huey—6.

So the bill was laid on the table indefinitely.

the resolution of the senate, instructing our senators, and requesting our representative, to procure the establishment of a one horse mail route from Van Buren, *via* Joseph Bryant's and Leo C. Blackemore's, to Fayetteville, was read a second time, and adopted.

Senate bill No. 25, to be entitled "an act to reduce the price of the 16th section, in the counties of Green and Randolph," was read a third time, and passed.

Senate bill No. 19, to be entitled "an act to extend the jurisdiction of the probate courts," was read a third time, and passed.

Senate bill No. 12, to be entitled "an act to amend the criminal law, under the head of Sabbath-breaking," was read a third time, and passed.

The joint resolution of the senate, requestjong our delegation in Congress to obtain, if possible, the transmission of a weekly mail, in coaches, from Ozark, *via* Grand Prairie and Waldron, to Red river, was read a second time.

The joint resolution adopted by the last General Assembly, proposing to amend the 29th section of the 4th article of the constitution of the State of Arkansas, so that Lafayette county may be reduced to 800square miles, and that a new county may be formed out of said county, of like dimensions, was read a first time, adopted and ratified by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill and Mr President—21.

Nays.—Mr Rose—1.

The joint resolution, adopted by the last General Assembly, proposing to amend the 29th section of the 4th article of the constitution of the State of Arkansas, so as to allow the counties of Green, Poinsett and Desha, to be reduced to 800 square miles; and that a new county may be formed out of the counties of Green and Poinsett, of like dimensions, was read a first time, adopted and ratified by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill and Mr President—21.

Nay.—Mr Rose—1.

No. 72. Mr Henson, on leave, introduced a bill, to be entitled "an act to amend in part, an act to fix the time of the circuit courts in the several judicial circuits in this state."

Which was read a first time.

On motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Fletcher, the bill was referred to select committee, consisting of Messrs Fletcher, Henson and Hampton.

Senate bill No. 32, to be entitled "an act to amend the 1st section of an act creating the county of Calhoun," was read a third time, and passed.

Mr Berry, on leave, introduced the following

RESOLUTION:

Resolved, That the judiciary committee, be instructed to enquire into the expediency of amending the present laws in relation to the trial of the rights of property, before justices of the peace, and that they report by bill or otherwise.

Mr Mitchell, from the committee on enrollments, made the following

REPORT:

Mr President:

The committee on enrolled bills have this day delivered to the governor for his approval, 'an act to authorize the holding of a special term of the county court of Johnson county;' also, 'an act for the benefit of R. H. Butrom, of the county of Pope;' the resolution 'authorizing our senators and requesting our representative in Congress, to use their best efforts to have established a tri-weekly line of mail stages from Helena, in Phillips county, to Aberdeen or Rock Roe, in Monroe county,' and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

Mr Chapman, from the joint select committee on apportionment, made the following

REPORT:

Mr President:

The joint committee on apportionment, to whom was referred senate bill No. 36, to divide the state into two Congressional District, with two several amendments, ask leave to report the same back, and respectfully ask its passage with said amendments.

Amend by striking out of the first section the words, "enumertion of the inhabitants," and insert, apportionment of representatives in Congress.

Amend by adding the following additional section:

Sec. 4. That on the first Monday in August, eighteen hundred and fifty-three, and every two years thereafter, there shall be an election held in each township of the several counties in each of the Congressional Districts of this State, as established by this act, for the election of representatives to the Congress of the United States, which election shall be opened, held and in all respects conducted, as the law provides for holding and conducting general elections in this state.

CHAPMAN, *Chairman.*

Which report was read and received.

On motion of Mr Chapman the bill and amendments were laid on the table for the present.

Mr Maxwell asked and obtained leave to withdraw from the files of the senate, senate bill No. 60, to be entitled 'an act to separate the office of assessor from that of sheriff."

On motion of Mr Hampton, the senate adjourned until to-morrow morning, 10 o'clock.

THOMAS B. HANLEY, *President.*

Saturday, Dec. 4th, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—21.

Prayer by the Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 59 entitled "an act making special appropriations to pay Wm. E. Woodruff and Richard H. Johnson, for printing the Governor's Message and accompanying documents.

Also, to senate bill No. 68 entitled "an act for the relief of Braxton C. Crump, sheriff and collector of Crittenden county."

The house of representatives have concurred in the joint resolution of the senate instructing our senators and requesting our representatives to use their most vigorous efforts to procure from Congress an appropriation to be applied to the removal of obstructions existing to navigation in the St. Francis river; all of which are herewith returned.

The house of represensatives have passed house bill No. 174, entitled "an act to pay William E. Woodruff certain moneys."

Also, house bill No. 178, entitled "an act to prevent slaves from assuming the ownership of property."

And also, "an act for the relief of John Havis, late sheriff of Bradley county;" also, for the relief of John J. Hammett, late sheriff of Jefferson county.

All of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Message from the governor, by Richard H. Johnson, his excellency's private secretary:

I am instructed by the governor to report to the senate, that, on the 3d December, 1852, he approved and signed "an act to authorize the holding of a special term of the county court of Johnson county;" "an act for the benefit of R. H. Butrom, of the county of Pope;" and also, a joint resolution, instructing our senators, and requesting our representative, to use their best efforts to have established a tri-weekly line of mail stages from Helena, by Lawrenceville, to Aberdeen or Rock Roe, to connect with the line already established, and which extends from thence to Little Rock.

Mr Clarke, from the committee on public lands, made the following

REPORT:

Mr President:

The committee on public lands, to whom was referred the joint resolution of the house, directing the attorney general to investigate into the conduct of the swamp land commissioners, and for other purposes, have had the same under consideration, and beg leave to state, that there is no evidence before the committee to authorize the imputation of improper conduct to the swamp land commissioners, as would be the case by the passage of such a resolution: Your committee, therefore, recommend the rejection of the resolution.

With the view of enabling the governor to 'take care that the laws be faithfully executed," as provided in the 10th section, 5th article of the constitution, your committee recommend that the governor be empowered to direct the attorney general to institute an investigation into the official conduct of any officer, whenever he may deem it necessary for the public interest; and therefore, recommend the adoption of the accompanying bill.

CLARKE, *Chairman.*

No. 73. Which report was read and received; and, on motion of Mr Harley, laid on the table for the present.

On motion of Mr Harley, the senate adjourned until 10 o'clock, Monday morning.

THOMAS B. HANLEY, *President.*

* * *

Monday, Dec. 6th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names.

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—23.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of Saturday, the 4th inst,, was read and approved.

Mr Fletcher introduced the following

RESOLUTION:

Resolved, That the secretary of state be authorized to certify all accounts due for work on the public buildings, which shall be paid by the auditor, out of any money in the treasury not otherwise appropriated.

Which was read a first time.

On motion of Mr Fletcher, the rules of the senate were dispensed with, the resolution taken up, and read a second time.

On motion of Mr Harley, the resolution was laid on the table for the present.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have concurred in the amendment of the senate to house bill No. 128, entitled "an act for the relief of Samuel J. Mason, sheriff of Izard county."

The house of representatives have assented to senate bill No. 10, entitled "an act to exept a homestead from execution;" which is herewith returned.

The house of representatives have passed house bill No. 131, entitled "an act to grant a charter to the Cincinnati and Little Rock Slate Company;" also, house bill No. 105, entitled "an act to incorporate Cane Hill College."

All of which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, to whom was referred a resolution of the senate, requiring said committee to report what amendments, if any, are necessary to the swamp land act of last session, have had said resolution, together with sundry bills on the same subject, under consideration, and have instructed me to report senate bill No. 58, to be entitled "an act to amend the laws providing for the reclamation of the swamp and overflowed lands, approved 6th and 11th of January, 1851," with sundry amendments, and recommend its passage.

UNDERHILL, *Chairman.*

Strike out all of section 7, and insert, in lieu thereof, That it shall be the duty of each of the swamp land agents hereinafter provided to be elected, to offer all the vacant swamp and overflowed lands in each respective district for sale, to the highest bidder, by legal subdivisions of 40, 80 and 160 acre tracts, at the office in each district, for cash or scrip, having first given at least sixty days' notice of the time and place of such sale, by at least sixty days notice in two or more newspapers of general circulation; *Provided,* That said lands shall in no case be sold at less than the price now fixed upon the same.

Strike out "commissioners," in the 8th section, and insert "swamp land agent."

Fill the first blank, in section 9, with Dardanelle, the second blank, with Jacksonport, and the third blank, with Washington, on Red river.

Fill the blank in section 10, with ten thousand, and the blank in section 17, with ten thousand.

Sec. 20. *Be it further enacted,* That the scrip required to be issued by the 5th section of this act, shall be issued in three classes of 40, 80 and 160 acre tracts, the first class to be paid out by the state treasury, at seventy-five cents per acre, and may be located upon any of the swamp and overflowed lands; the second class to be paid out at fifty cents per acre, and may be located upon any of said lands placed in the second class, and valued at fifty cents per acre, and shall be received at the office in the proper district, by the swamp land agents having charge of the office therein, at such prices, and at the price per acre now fixed upon the swamp and overflowed lands by the commissioners.

Sec. 21. *Be it further enacted*, That each of the swamp land agents, as above provided to be elected, shall receive, in full compensation for their services, twelve hundred and fifty dollars per annum, to be audited and paid out of the swamp land fund, as in other cases.

Sec. 22. *Be it further enacted*, That all person or persons that cut, destroy or remove any timber now standing upon any of the swamp lands, by Congress granted to this state, shall be subject to indictment, and upon conviction thereof, shall be fined the full value of said timber cut, destroyed or conveyed away, and be imprisoned not less than one nor more than three years, and that any person or persons who shall destroy or materially injure any part of the levees now constructed, or which may hereafter be constructed, shall be subject to indictment in the circuit court of the proper county, and upon conviction thereof, shall be imprisoned not less than one year, and pay all damages that may accrue.

Sec. 23. *Be it further enacted*, That any free white citizen of the United States, who may have settled, or who may hereafter settle upon, or who may have improved, or who may hereafter improve, any of the lands donated to this state by the act of Congress of the 28th of September, 1850, as swamp or overflowed lands, shall be allowed a pre-emption right to purchase any quantity of said lands, not exceeding one hundred and sixty acres, at the price of seventy-five cents per acre, when such lands lie within six miles of any navigable water course, and when such lands are more than six miles distant from any navigable water course, the pre-emptor shall be entitled to purchase the same at fifty cents per acre: *Provided*, That no right under this section shall vest in any individual, except an actual settler upon a portion of the lands claimed, or whose improvement may extend from his own land to a part of the swamp and overflowed lands.

Sec. 24. *Be it further enacted*, That any person entitled to a right of pre-emption under the provisions of the foregoing section, shall be allowed three months from and after the date upon which public advertisements shall have been made by order of the governor of the state, that the title to said lands shall have been perfected to the State of Arkansas by the authority of the United States, in which to file in the office of the proper land district, his or her written declaration of intention to claim a right of pre-emption, under the provisions of this act, in which declaration shall be designated the numbers of the land claimed; and the pre-emptor shall be allowed one year from and after the date upon which the title to said lands shall have been perfected to the state, in which to make payment for the lands so purchased, which payment may be made either in money or swamp land scrip.

Sec. 25. *Be it further enacted*, That any sale of any portion of the swamp and overflowed lands, either for scrip or money, which may hereafter be made, upon which lands, at the time of such sale or location, there shall be an actual settler, is hereby declared to be void, and the settler may claim the benefit of this act: *Provided;* That if any lands should have been so sold or located, the purchaser or locator may have his money refunded, or scrip reissued, upon application to the proper office.

Sec. 26. *Be it further enacted*, That before any pre-emptor shall be allowed to avail himself or herself of the benefits of this act, such pre-emptor shall make and subscribe an affidavit that he or she is not the owner of three hundred and twenty acres of land within this state, and that he or she is a settler or cultivator upon a portion of the lands claimed, and that he or she has not availed himself or herself of the benefits of the thirteenth section of this act of our General Assembly, to provide for the reclaiming the swamp and overflowed lands, &c., approved January 6, 1851.

Sec. 27. *Be it further enacted*. That, after the pre-emptor has filed his declaration, as required by section 24, he shall make proof before the swamp land agent of the proper district, or before some justice of the peace, by two disinterested witnesses, that he is an actual and *bona fide* settler, as provided for in said section 24, subject to an appeal to the board of swamp land commissioners.

28. *Be it further enacted*, That nothing in this act shall be construed so as to alter or change existing laws, until the election and qualification of the officers herein provided for.

Sec, 29. *Be it further enacted*, That all persons, being citizens of the state, who have entered, at the U. S. land offices, any part of the swamp and overflowed lands, shall have the exclusive right of purchase, for the term of twelve months from and after the passage of this act, at the price fixed upon said lands by the swamp land commissioners.

Which report was read and received.

On motion of Mr Underhill, the rules of the senate were dispensed with, and the amendments taken up and read a first time.

On further motion of Mr Underhill, the rules of the senate were again dispensed with, and the amendments read a second time.

The 1st amendment, proposing to strike out section 7, and insert in lieu thereof, the section reported by the committee, was read and adopted, on motion of Mr Izard.

The 2d amendment to the 8th section, was read and adopted on motion of Mr. Izard.

The question was taken on the proposition of the committee, to fill the first blank in section 9th, with the word Dardanelle, and it prevailed.

The question on filling the 2d blank, in said section, with Jacksonport, as recommended by the committee, was put on motion of Mr Izard, and decided in the affirmative.

The proposition of the committee to fill the 3d blank, in the 9th section, with the word Washington, being under consideration, Mr Harley moved to amend the amendment by striking out Washington, and inserting in lieu thereof, Camden.

Which motion, upon a division, was lost.

The amendment of the committee was then adopted, and the 3d blank filled with the word Washington.

On motion of Mr Fletcher, the vote taken on filling the 1st blank in the 9th section with the word 'Dardanelle,' was reconsidered.

Mr Fletcher moved to amend by striking out Dardanelle, and inserting in lieu thereof, Pine Bluff.

After debate, and before the question was taken Mr Fletcher withdrew his motion; when,

Mr Rose moved to amend by striking out Dardanelle, and inserting in lieu thereof, Clarksville, Johnson county; which motion, upon a division, prevailed.

Mr Burrow moved to amend the 9th section by striking out the word four, in the 5th line; and inserting in lieu thereof, the word five.

Which motion prevailed without a division.

Mr Burrow moved to amend the 9th section, by adding, after the words 'Mississippi river,' the words, 'and one at Pine Bluff, Jefferson county.

Which motion prevailed.

The amendment of the committee to the 10th section, was, on motion of Mr Izard, adopted.

The amendment of the committee to the 17th section, was; on motion of Mr Izard, adopted.

The amendment of the committee reported as section 20, was read and adopted.

The amendment, reported as section 21 by the committee, was read and adopted.

The amendment reported by the committee as section 22, was read.

Mr Izard moved to amend it by striking out the following words in the 8th and 9th lines; 'and be imprisoned not less than one nor more than three years.'

On which motion Mr Maxwell called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Chapman, DeShongh, Ellis, Harley, Henson, Huey, Izard, Maxwell and Miller—10.

Nays—Messrs Billingsley, Bozeman, Burrow, Clarke, Davidson, Fletcher, Hampton, Hawkins, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—14.

So the motion to strike out was lost.

The question being on the adoption of the amendment,

Mr Huey called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Billingsley, Bozeman, Burrow, Chapman, Clarke, Davidson, Fletcher, Hampton, Hawkins, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—15.

Nays,—Messrs Berry, Deshongh, Ellis, Harley, Henson, Huey, Izard, Maxwell and Miller—9.

So the amendment was adopted.

Sections 23, 24, 25, 26, 27, 28 and 29, reported as amendments by the committee, were read and adopted.

Mr Hampton moved to lay the bill on the table for the present, and print 100 copies for the use of the senate.

Mr Burrow offered the following amendment:

Sec. 30. *Be it further enacted*; That all bontracters for erecting levees, shall have the right of way through the lands or fields where the levees are located by the commissioners; and the contractor shall give bond and security, conditioned for the faithful execution of the contract, and shall be liable to pay damages to the use of the state, and also to any citizen who may be injured by the non-performance of the contract according to the conditions of the bond aforesaid.

Which was read, and by common consent received.

The question was taken on its adoption, and decided in the affirmative.

Mr Huey offered to amend the 17th section by striking out "Helena," and inserting in lieu thereof, Little Rock.

On motion of Mr Underhill, the amendment was laid on the table.

The question was taken on the motion of Mr Hampton to lay the bill on the table for the present, and print 100 copies, and it prevailed.

Mr Chapman, from the committee on education, made the following

REPORT:

Mr President:

The committee on education, to whom was referred house bill No. 164, entitled 'an act amending the act to incorporate the Soulesbury Institute,' have had the same under consideration, and ask leave to report the same back, with an amendment to the 7th section of said bill, and respectfully ask that it shall pass with said amendment.

CHAPMAN, *Chairman*.

Amend by inserting the following after the word "Institute," in the last line of the 7th section:

And that the treasurer for the county of Independence be, and he is hereby required to pay to the President of said Institute, the sum of three hundred dollars, out of the school fund arising from fines and forfeitures in said county, for the purpose of purchasing a Chemical and Philosophical apparatus for the use of said Soulesbury Institute, under the direction of said trustees.

Which report was read and received.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the amendment taken up and read a first time.

It was then ordered to a second reading on to-morrow.

On motion of Mr Chapman, the rules of the senate were dispensed with, and house bill No. 174, to be entitled "an act making appropriations to pay William E. Woodruff," taken up and read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Chapman, the bill was referred to the committee on claims.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and house bill No. 145, to be entitled "an act to amend chapter 138, of the revised statutes of the state of Arkansas, under the head of "revenue of the counties," taken up and read.

Mr Poindexter offered the following amendment:

Make section 2 section 3, and add the following as section 2.

Be it further enacted, That in addition to the fees now allowed by law, Recorders shall be allowed five cents for each one hundred words.

Which was read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the amendment read a second time.

On further motion of Mr Berry, the amendment was adopted.

The bill, as amended, was read a third time.

On motion of Mr Hampton, the bill was laid on the table for the present.

Mr Fletcher, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred senate bill No. 72, proposing to change the time of holding the circuit court in Saline county, have had the same under consideration, and have instruc me to report the bill back and recommend its passage.

FLETCHER *Chairman.*

Which report was read and received.

On motion of Mr Huey, the rules of the senate were dispensed with, and senate bill No 36, to be entitled "an act to divide the State of Arkansass into two Congressional Districts, taken up.

The 1st amendment reported by the committee on apportionment on the 3d inst. was read a first time.

On motion of Mr Chapman the rules of the senate were dispensed with, and the amendment read a second time and adopted.

The 2d amendment reported by the committee, was read a first time.

On motion of Mr Mitchell the rules of the senate were dispensed with, and the amendment read a second time and adopted.

Mr Burrow offered the following amendment;

Strike out the 1st, 2d and 3d sections, and insert the following in lieu thereof:

Sec. 1. That on the 1st Monday in August, eighteen hundred and fifty-three, and every two years thereafter, there shall be opened and held at each township, in each county of this state, an election for the purpose of electing two representatives of this state to the house of representives of the Congress of the United States.

Which amendment was read a first time.

Mr Hampton was called to the chair.

Message from the House of Representatives, by the clerk.

Mr President:

I am instructed to present for your honor's signature, "an act for the relief of Luther R. Venable, sheriff of Van Buren county."

J. H. HOBBS,
Clerk of the House.

The amendment was debated at length by Mr Burrow and Mr President; at the conclusion of which, and without any further action on it, the senate, on motion of Mr Huey, adjourned until tomorrow morning 10 o'clock.

THOMAS B. HANEEY, *President.*

Tuesday, Dec. 7th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names.

Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton Harley, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—23.

Prayer by A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have examined "an act making a special appropriation to pay Wm. E. Woodruff and Richard H. Johnson, for printing the governor's message and accompanying documents, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr Clarke, on leave, made the following report, from the committee on claims:

The committee on claims, whom was referred house bill No. 174, to be entitled "an act making appropriation to pay W. E. Woodruff," have had the same under consideration, and have instructed me to report it back to the senate, and recommend its passage.

CLARKE, *Chairman.*

Which resolution was read and received.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill accompanying the report taken up, and a third time.

After debate, and a motion made by Mr Lemoyne to lay the bill on the table until to-morrow, and withdrew, the bill was passed, and returned to the house of representatives.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have adopted a joint resolution, instructing our senators, and requesting our representative in Congress, to use their best and most vigorous efforts, to increase the mail from weekly to semi-weekly trips, on route 5955, from Clarksvillee to Carrollton, Arkansas; to which the concurrence of your honorable body is respectfully asked.

The house of representatives have passed house bill No. 125, to be entitled "an act for the relief of the heirs at law of the late James Evans, of Washington county." Also, house bill No. 191, entitled "an act to incorporate the Mine Creek male and female college, in Hempstead county." Also, housa bill No. 193, entitled "an act to change the time of holding the probate court of Ashley couny."

All of which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Mitchell, from the committee on enrollments, made the following

REPORT:

Mr President:

The committee on enrolled bills, have this day delivered to the governor, for his approval, "an act making special appropriations to pay Wm. E. Woodruff and Richard H. Johnson, for printing the governor's message and accompanying documents," and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Huey, the rules of the senate were dispensed with, and house bill No. 193, to be entitled "an act to change the time of holding the probate court of Ashley county," was taken up and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Harley, the rules of the senate were dispensed with, the bill read a third time, and passed.

Mr Fletcher presented the petition of Susan Haynes, of the city of Little Rock, representing, that her husband, Stephen Haynes, has been, for several months past, and is at the present time, in a most distressing state of insanity, being confined in the poor-house of Pulaski county; which confinement is absolutely necessary to the safety of the community and that of his own family; that she has procured the bes medical aid here, and that no relief has been afforded him, and praying an appropriation sufficient to pay his expenses to the lunatic asylum, at Nashville, Tennessee, and to keep him there until he shall be restored.

Which petitition was accompanied by a certificate, signed by W. A. Cantrall, John J. McAlmont, A. W. Webb and R. L. Dodge, physicians of the city of Little Rock, certifying to the statement made in the petition.

All of Which were read.

On motion of Mr Fletcher, the petition and certificate, were referred to a select committee, consisting of Messrs Fletcher, Poindexter and Huey.

Mr Underhill presented a petition signed by 40 citizens of Crittenden county, representing that, Henry L. Sphar, a citizen of Crittenden county, is a cripple unable to perform any kind of manual labor, and has a wife and children, and is in indigent circumstances, and praying the passage of a law, granting him the privilege of hawking and peddling in the state without a license.

Which was read, and on motion of Mr Underhill, referred to the committee on ways and means.

Mr Mitchell was called to the chair.

No. 74. Mr Lemoyne, on leave, introduced a bill, to be entitled "an act to grant a charter to Messrs Hanger and Howell for the purpose of building a toll bridge across Mill Creek, in Pope county, Arkansas."

Which was read a first time.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Lemoyne, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Miller introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That they do propose the following amendment to the constitution of the state; to-wit: The General Assembly shall have power to incorprate banking institutions in this state; but the faith and credit of state shall not be pledged for the liabilities of any banking institutions that may be established.

Which was read a first time.

The question, "Shall the resolution be ordered to a second reading?" was stated from the chair, and decided in the negative by the following vote:

Yeas.—Messrs Miller and Underhill—2.

Nays.—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Rose and Mr President—21.

No. 75. Mr Poindexter, on leave, introduced a bill, to be entitled "an act to increase the salaries of the circuit judges."

Which was read a first time.

On motion of Mr Hampton, the rules of the senate were dispensed with, and the bill read a second time.

Mr Hampton moved to dispense with the rules of the senate and read the bill a third time.

Mr Harley moved to refer the bill to the committee on ways and means.

Which motion, after debate, was lost.

The question was taken on Mr Hampton's motion, and it prevailed, and the bill read a third time.

Mr Clarke offered the following amendment:

And that each of the supreme judges shall receive two thousand dollars per annum.

Which was read.

Mr Berry moved to lay the bill and amendment on the table until the 4th day of July next.

On which motion, Mr Hampton called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, DeShongh, Ellis, Harley, Henson, Maxwell and Rose—8.

Nays.—Messrs Bozeman, Burrow, Chapman, Clarke, Davidson, Fletcher, Hampton, Hawkins, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Underhill and Mr President—16.

So the motion to lay the bill and amendment on the table until the 4th of July next was lost.

After further debate, Mr Clarke, asked and obtained leave of the senate, to withdraw his amendment, when the question, "Shall the bill pass?" was taken from the chair.

Mr Harley called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Bozeman, Burrow, Chapman, Clarke, Fletcher, Hampton, Hawkins, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Underhill and Mr President—15.

Nays.—Messrs Berry, Billingsley, Davidson, DeShongh, Ellis, Harley, Henson, Maxwell and Rose—9.

So the bill was passed.

No. 75. Mr Berry, on leave, introduced a bill, to be entitled "an act for the relief of James H. May, sheriff of Montgomery county."

Which was read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Berry, the bill was referred to the committee on claims.

No. 77. Mr Chapman, on leave, introduced a bill, to be entitled "an act for the relief of Samuel J. Mason, sheriff of Izard county,"

Which was read a first time.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Chapman, the rules of the senate were again dispensed with, the bill read a third time, and passed.

It was then transmitted to the house of representatives for their assent.

No. 78. Mr President, on leave, introduced a bill, to be entitled "an act to amend the 67th chapter of the Digest, under the head of Executions."

Which was read a first time.

On motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr President, the bill was referred to the committee on the judiciary.

Mr Burrow presented a petition, signed by Thomas B. Flournoy and 11 other citizens of township No. 7, south of range 1 east, in Desha county, representing that the 16th section in said township and range. remains unsold, by reason of the statutes requiring that there shall be 17 children in a township, of certain ages before the 16th section can be sold; which number do not reside in said township, and praying the passage of an act authorizing the sale of said 16th section on the terms, times and conditions of the present law, only waiving the required number of children.

Which was read.

No. 79. Mr Burrow then, on leave, introduced a bill, to be entitled "an act to sell school lands."

Which was read a first time.

On motion of Mr Burrow, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Burrow, the bill, together with the petition, were referred to the committee on education.

On motion of Mr Huey, senate bill No. 36, to be entitled "an act to divide the State of Arkansas into two congressional districts," was taken up.

The amendment offered by Mr Burrow on yesterday, was taken up for further consideration, and read.

Mr President addressed the senate in opposition to the amendment.

At the conclusion of his remarks, Mr Clarke moved to lay the amendment on the table indefinitely.

Which motion, on a division, was lost.

Mr Hampton moved to reject the amendment.

Which motion was debated at length by Messrs Burrow and Clarke; at the conclusion of which, the question was taken on Mr Hampton's motion, and the amendment rejected.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a third time.

Mr Chapman moved to amend the 1st section of the bill, by striking out the words, "1850" in the last line, and inserting in lieu thereof "1851."

Which motion prevailled.

The question, "Shall the bill pass?" was stated from the chair.

Mr Harley called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—23.

So the bill was passed by a unanimous vote.

On motion of Mr Fletcher, the resolution introduced by him on yesterday, authorizing the secretary of state to certify all accounts for work done on the public building, and directing the auditor to pay them on such certificate, was taken up.

And on further motion of Mr Fletcher, the resolution was referred to the committe on ways and means.

Mr Fletcher moved, that the senate adjourn; which motion was lost.

On motion of Mr Henson, senate bill No. 72, to be entitled "an act to amend in part, an act to fix the time of holding the circuit courts in the several judicial circuits in this state," was taken up, read a third time, and passed.

On motion of Mr Hampton, the senate adjourned.

THOMAS B. HANLEY, *President.*

Wednesday, Dec. 8th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined "an act for the relief of Samuel J. Mason, sheriff of Izard county," and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr Huey was called to the chair.

Mr President presented the memorial of William Harvick, of Monroe county, Arkansas, representing that on or about the 10th day of October, 1849, one William McGill, late of said county, departed this life, leaving at his death two children, John W. and William, his heirs at law; and no widow; that said McGill, at the time of his death, was possessed of some slaves, to wit: two men, and a woman, and four children. He also left a tract of land, or homestead, with comfortable improvements thereon; that the estate of said McGill has been finally settled, and the out-standing debts paid, liquidated and adjusted; that the assets of said estate have been distributed to the heirs thereof—the children of said deceased; that the memorialist has been appointed the guardian of said heirs, and by an order of the probate court of said county of Monroe, the said property has passed iato his hands, us guardian aforesaid; that the said negro slaves are family slaves, and are much attached to his wards, and his wards to them; that he believes it to be the interest of said wards, to keep and retain said slaves on the premises and plantation left them by their father at his death, for the reason, that if they should be hired out, it might be that they would be separated and scattered, and the family ties severed; and, for the additional reason, that it is known, that slaves hired out from year to year, are not usually as humanely and kindly treated, as when they are kept in the possession of their owners; that your memorialist is now, and has been, the judge of the probate court for said county, for the past four years, and in consequence thereof, he cannot get an order from such court to allow and permit him to keep together the property of his said wards; that during the summer of 1851, Martin, one of the negro men slaves belonging to his wards, was suspected of being engaged in making arrangements and preparations to escape to one of the free or non-slaveholding states of this Union, and on being charged with such purpose, he admitted that such was his purpose and intention, and that certain white men then in the neighborhood and vicinity of the memorialist were aiding and advising him to that end, and that they had absolutely prompted him, the said slave, to commit a robbery on the goods and chattels of the brother of the memorialist, sheriff of said county; that on ascertaining the fact that such robbery had been committed by such slave, the memorialist, by the advice of his neighbors, sold said slave to Thomas E. Barner, of Monroe county, Arkansas, for $750—and praying the passage of an act authorizing him, as such guardian, to keep the said negro slaves together for the term of ten years from this date, as his said wards will not have attained their majority by that time, and incorporate in said act a provision, ratifying and confirming the sale made by him of the negro slave Martin to Thomas E. Barner, that said Barner may be confirmed in his title under his purchase from the memorialist, and the memorialist and his securities on his guardian's bond be released from all responsibility in consequence of said sale, except so far as the same extends to the safe keeping and proper conduct of the money arising from such sale.

Which memorial was read.

No. 80. Mr President, at the same time, on leave, introduced a bill, extending to the memorialist the relief asked, to be entitled "an act for the relief of William Harvick, of Monroe county."

Which was read for information.

On motion of Mr President, the memorial and bill were referred to a select committee of three, consisting of Messrs Underhill, Hampton and Izard.

Messages from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature "an act for the relief of Reuben C. Reed, sheriff of Scott county;" "an act for the relief of Samuel J. Mason, sheriff of Izard county;" "an act for the relief of Benj. F. Danley, sheriff of Pulaski county;" "an act to change the time of holding the probate court in and for the county of Pike;" also, "an act to make an appropriation to pay William E. Woodruff, to satisfy a certain judgment in favor of said Woodruff, and *vs.* the State of Arkansas."

J. H. HOBBS.
Clerk of the House.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 77, to be entitled "an act for the relief of Samuel J. Mason, sheriff of Izard county," which is herewith returned.

The house of representatives have passed house bill No. 126, to be entitled "an act for the relief of Lawrence county, and for other purposes;" also, house bill No. 175, to be entitled "an act to establish the county of Columbia;" also, house bill No. 199, to be entitled "an act to incorporate the town of Jacksonport, in the State of Arkansas;" and, also, house bill No. 209, to be entitled "an act to change the time of holding the probate court of Hot Spring county;" all of which are herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Clarke, from the committee on claims, made the following

REPORT:

Mr President:

The committee on claims, to whom was referred the senate bill No. 65, to be entitled "an act for the benefit of Alfred Cabler," have had the same under consideration, and instructed me to report it to the senate, and recommend its passage.

CLARKE, *Chairman.*

Which report was read and received.

On motion of Mr Clarke, the rules of the senate were dispensed with, the bill taken up, read a third time, and passed.

House bill No. 209, to be entitled "an act to change the time of holding the probate court of Hot Spring county," was read a first time.

On motion of Mr Henson, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Henson, the rules of the senate were again dispensed with, the bill read a third time, and passed.

House bill No. 105, to be entitled "an act to incorporate Cane Hill College," was read a first time.

On motion of Mr Billingsley, the rules of the senate were dispensed with, and the bill read a second time; and, on further motion of Mr Billingsley, the rules of the senate were again dispensed with, the bill read a third time, and passed.

House bill No. 191, to be entitled "an act to establish and incorporate the Mine Creek Male and Female College, in Hempstead county," was read a first time.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Poindexter, the rules of the senate were again dispensed with, the bill read a second time, and passed.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined "an act for the relief of Braxton C. Crump, sheriff and collector of Crittenden county;" also, "an act to exempt a homestead from execution;" also, a resolution, instructing our senators and requesting our representative in Congress, to use their efforts to procure an appropriation for St. Francis river, in Arkansas, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

House bill No. 199, to be entitled "an act to incorporate the town of Jacksonport, in the State of Arkansas," was read a first time.

On motion of Mr DeShongh, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Izard, the rules of the senate were dispensed with, and the bill read a third time.

Mr DeShongh offered the following amendment:

Provided, That the town of Augusta, on White river, in Jackson county, receive all the benefits incorporated in this bill.

Mr Harley moved to refer the bill and amendment to the committee on counties and county lines.

Which motion the chair decided could not be entertained, as the bill had been read a third time; and suggested the proper motion to make would be to reconsider the vote taken on Mr Izard's motion to suspend the rules for a third reading;

Whereupon, Mr Billingsley moved that the vote suspending the rules for a third reading be reconsidered.

Which motion prevailed.

When, on motion of Mr Chapman, the bill was referred to a select committee: consisting of Messrs DeShongh, Harley and Chapman.

Mr President resumed the chair.

House bill No. 131, to be entitled "an act to grant a charter to the Cincinnati and Little Rock Slate Company," was read a first time.

On motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Fletcher, the rules of the senate were again dispensed with, the bill read a third time and passed.

On motion of Mr Miller, the rules of the senate were dispensed with, and house bill No. 126, to be entitled "an act for the relief of Lawrence county, and for other purposes," was taken up and read a first time.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

Mr Miller offered the following amendment:

Add, after the word 'Montgomery,' the words, Scott and Van Buren counties.

Mr Berry moved to amend by adding after the word 'counties,' the words, and Madison.

Which were read and adopted.

On motion of Mr Miller, the rules of the senate were dispensed with, the bill as amended, read a third time and passed, and returned to the house of representatives.

On motion of Mr Hampton, the rules of the senate were dispensed with, and senate bill No. 70, to be entitled "an act to provide for a correct publication of the laws,' taken up and read a second time.

On motion of Mr Hampton, the rules of the senate were dispensed with, the bill read a third time and passed.

House bill No. 185, to be entitled "an act to establish the county of Columbia,' was read a first time.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Poindexter, the bill was referred to a select committee of five, consisting of Messrs Poindexter, Huey, Hawkins, Hampton and Clarke.

Mr Izard introduced the following

RESOLUTION:

Resolved, That the committee on public lands be, and they are hereby instructedto report a bill to abolish the state land office, and to require the auditor to perform the duties now required of the state land agent.

Which was read and adopted.

The amendment of the committee on education, reported on the 6th inst., to house bill No. 164, to be entitled "an act amendatory of an act to incorporate the Soulesbury Institute at Batesville, Arkansas, approved 26th December, 1850," was read a second time and adopted.

On motion of Mr Chapman, the rules of the senate were dispensed with, the bill as amended, read a third time and passed.

House bill No. 145, to be entitled "an act to amend chapter 138 of the revised statutes of the state of Arkansas, under the head of 'revenue of the counties,'" was read a third time as amended, and passed.

House bill no 60, to be entitled "an act to change the present mode of appointing deputy clerks and sheriffs," was read a second time.

On motion of Mr Berry, the rules of the senate were dispensed with, the bill read a third time and passed.

House bill No. 125, to be entitled "an act for the relief of the heirs at law of the late James Evans, of Washington county," was read a first time.

On motion of Mr Billingsley, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Billingsley, the rules of the senate were again dispensed with, the bill read a third time and passed.

House bill No. 178, to be entitled "an act to prevent slaves from owning, or claiming, in their own right, any horse or horses, or other property," was read a first time.

On motion of Mr Burrow, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Poindexter, the bill was referred to the committee on the judiciary.

House bill No. 179, to be entitled "an act for the relief of John Havis, late sheriff of Bradley county, also, for the relief of John J. Hammett, late sheriff of Jefferson county," was read a first time.

On motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

Mr Berry moved to amend the bill by adding, after the word "assembly," in the 1st line of the 1st section, the words, of the state of Arkansas.

Which prevailed, and the amendment adopted.

On motion of Mr Harley, the rules of the senate were dispensed with, the bill as amended read a third time and passed.

The resolution of the house of representatives, instructing our senators and requesting our representative in Congress, to use their best and most vigorous efferts, to increase the mail from weekly to semi-weekly trips, one route No. 5955, from Clarksville to Carrollton, was read a first time.

On motion of Mr Mitchell, the rules of the senate were dispensed with, and the resolution taken up.

And, on further motion of Mr Mitchell, the resolution was referred to a select committee, consisting of Messrs Mitchell, Rose and Henson.

No. 81. Mr Huey, on leave, reported from the committee on public expenditures, a bill to be entitled "an act appropriating two hundred dollars to furnish the executive chamber."

Which was read and received.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have this day delivered to the governor for his approval, an act for the relief of Braxton C. Crump, sheriff and collector of Crittenden county; also, an act for the relief of Samuel J. Mason, sheriff of Izard county; also, an act to exempt a homestead from execution; also, a resolution, requesting our delegation in Congress to use their efforts to get an appropriation for St. Francis river; and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Izard the senate adjourned.

THOMAS B. HANLEY, *President.*

* * *

Thursday, Dec. 4th, 1852.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Huey, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by the Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Berry from the committee on enrrolled bills, made the following

REPORT:

Mr President:

The committee on enrollments have examined an act to incorporate Cane Hill Female Seminary, and have instructed me to report the same correctly enrolled.

BERRY, *One of the Cammitte* .

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house have passed a bill, to be entitled "an act concerning chaplains," which is herewith transmitted, and the assent of the senate thereto respectfully asked.

J. H. HOBBS,
Clerk of the House.

Message from the governor by Richard H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the senate, that, on the 7th December, 1852, he approved and signed "an act making special appropriations to pay William E. Woodruff and Richard H. Johnson, for printing the governor's message and accompanying documents;" and that, on the 8th December, 1852, he signed and approved, "an act for the relief of Braxton C. Crump, sheriff and collector of Crittenden county;" "an act for the relief of Samuel J. Mason, sheriff of Izard county;" and "an act to exempt a homestead from execution;" and also, a joint resolution instructing our senators, and requesting our representative in Congress to use their most vigorous efforts to procure from Congress an appropriation to be applied to the removal of obstructions existing to navigation in the St. Francis river, in this state.

Message from the house of representatives, by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed bill No. 168, to be entitled "an act to blend all the school funds of the counties of Arkansas and White, in support of common schools."

Also, house bill No. 169, to be entitled "an act to change in part, the time of holding the circuit courts in the 5th judical circuit.

Also, House bill No. 187, entitled "an act to exempt the property of Pinkney Anderson from taxation."

Also, house bill, No. 189, entitled "an act to legalize the sale of the 16th section, in township 8, south of range 30 west, in the county of Sevier.

Also, house bill No. 192, to be entitled "an act for the relief of James T Hawk."

And house bill No. 210 entitled "an act for the relief of the deaf, and dumb asylum, at Danville, Kentucky."

All of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Clarke, from the committee on claims, made the following

REPORT:

Mr President:

The committee on claims, to whom was referred the senate bill No. 76, entitled "an act for the relief of James H. May, sheriff of Montgomery county," have had the same under consideration, and have instructed me to report it to the senate, and recommend its passage.

CLARKE, *Chairman.*

Which was read and received.

Mr Chapman, from the committee on education, made the following

REPORT:

Mr President:

The committee on education, to whom was referred so much of the governor's message as relates to education, acting under the instruction of a resolution of the senate, that your committee should report by general bill, have had the subject under consideration, and ask leave to report by the accompanying bill.

CHAPMAN, *Chairman.*

Which report was read and received.

No. 82. The billaccompanying the above report, to be entitled "an act revising the common school system in the State of Arkansas," was read for information, and ordered to a first reading on to-morrow.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature, "an act for the relief of William J. Murphey, sheriff and collector of Randolph county."

Also, a joint resolutions, relative to the payment of contingent expenses of the two houses.

J. H. HOBBS,
Clerk of the House.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on judiciary, to whom was referred senate bill No. 41, entitled "an act for the relief of certain persons who have contracted to purchase land from the state," have maturely considered of the matter contained in the proposed act, and have directed me to report the same back to the senate, and recommend its enactment. The bill, it is believed, if enacted, would save the state from paying much cost, and many citizens great trouble and expense. All of which is respectfully submitted.

BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on judiciary, to whom was referred senate bill No. 44, entitled "an act for the benefit of the heirs of David Delaney, deceased, have considered thereof, and find from depositions, papers and proof, that the heirs are entitled to relief. The petition of John Delaney shows that he has been prosecuting the cause in the circuit court until he has become three-score and ten years of age, and that he is not likely to obtain a final hearing during his natural life.

Your committee sympathize with the petitioner, and believe that the senate bill No. 64, should be presented for his benefit.—Your committee believe it bad policy to pass private acts superceeding the jurisdiction of the courts of law or equity; but nevertheless, favor the passage of this bill, because of the extraordinary delay in administering the law unimpartially by the circuit court of Madison county. All of which is respectfully submitted.

BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committe on the judiciary, made the following

REPORT:

Mr President:

The judiciary committee, to whom was referred senate bill No. 46, entitled "an act to extend the elective franchise and enable voters to exercise the right of suffrage," have considered the same, and direct me to report the bill back to the senate, and recommend its passage.

The bill provides that electors who are in the proper district, and without the county of residence, shall be entitled to vote, and thus secure a more complete expression of public opinion than is now usually put forward at the public elections. All of which is respectfully submitted.

BURROW, *Chairman.*

Which report was read and received.

Mr Huey, from the committee on public expenditures, to whom was referred senate resolution directing them the examine the executive chamber, made the following

REPORT:

Mr President:

The committee on public expenditures, to whom was referred senate resolution, directing them to examine the senate chamber, and report what articles of furniture may be necessary to the comfort and convenience of said chamber, have had the same under consideration, and have directed me to report the same back, with the following bill, and recommend its passage.

HUEY, *Chairman.*

Which report was read and received.

No. 83. The bill accompanying the foregoing report, to be entitled "an act to appropriate two hundred dollars to furnish the executive chamber," was received; and ordered to a first reading on to-morrow.

Mr Chapman, from the committee on education, made the following

REPORT:

Mr President:

The committee on education, to whom was referred a petition asking the right to sell section numbered sixteen, in township No. 7 south, in range 1 east, with senate bill No. 79, have had the same under consideration, and respectfully ask that said bill shall pass.

CHAPMAN, *Chairman.*

Which report was read and received.

Mr Underhill, from a select committe, made the following

REPORT:

Mr President:

The select committe, to whom was referred senate bill No. 80, to be entitled "an act for the relief of William Harwick, of Monroe county," have had said bill, together with the memorial of said Harwick on the same subject, under consideration, and have instructed me to report the said bill without amendment, and recommend its passage.

UNDERHILL, *Chairman.*

Which report was read and received.

Mr Fletcher, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred the petition of Susan Haynes, have had the same under consideration, and have instructed me to report the same back, and recommend its rejection.

FLETCHER, *Chairman.*

Which report was read and received.

On motion of Mr Underhill, the rules of the senate were dispensed with, and senate bill No. 80, to be entitiled "an act for the relief of William Harwick, of Monroe county," taken up and read a first time.

On further motion of Mr Underhill, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Izard, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Poindexter, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred "an act to establish the county of Columbia," have performed the duty assigned them, and instructed me to report the same with sundry amendments, herewith submitted, and recommend its passage.

POINDEXTER, *Chairman.*

Amend the caption by inserting the word, "the."

Amend by striking out section of 4, line 11, the word 'of,' and insert the word, 'to.'

Whenever the words, 'Lafayette, Union and Washington,' occur, amend by striking out the word, 'and,' between Union and Washington, and insert after, 'Washington and Ouachita.'

Amend by adding section 16. And that, until the next apportionment of the state for representatives to the General Assembly, the voters of the several counties of Lafayette, Union, Washington and Ouachita, shall give their suffrages for senators and members of the lower house within the county in which they resided before the establishment of the foregoing county of Columbia.

Amend by correcting numbers of sections.

Which report and amendments were read and received.

No. 84. Mr Berry, on leave, introduced a bill, to be entitled "an act for the relief of Henderson P. Holmes."

Which was read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Berry, the bill was referred to the committee on public lands.

No. 85. Mr Ellis, on leave, introduced a bill, to be entitled "an act to call in the scrip of Marion county."

Which was read a first time and ordered to a second reading on to-morrow,

No. 86. Mr Huey, on leave, introduced a bill, to be entitled "an act to incorporate the Peoples' Insurance Company, at Osceola."

Which was read a first time, and ordered to a second reading on to-morrow.

No. 87. Mr Miller, on leave, introduced a bill, to be entitled "an act to incorporate the town of Waldron, in Scott county."

Which was read a first time.

Mr Berry was called to the chair.

On motion of Mr Miller, the rules of the senate were dispensed with, and senate bill No. 87, read a second time.

And on further motion of Mr Miller, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Burrow, the rules of the senate were dispensed with, and senate bill No. 79, to be entitled "an act to sell school lands," taken up, read a third time, and passed.

On motion of Mr Huey, house bill No. 175, to be entitled 'an act to establish the county of Columbia," was taken up.

The amendments reported this morning by the select committee, to whom said bill was referred, were severally read and adopted.

On motion of Mr Huey, the rules of the senate were dispensed with, the bill, as amended, read a third time, and passed.

No. 88. Mr Burrow, on leave, introduced a bill, to be entitled "an act to incorporate the Napoleon and Fort Smith railroad company."

Which was read a first time, and ordered to a second reading on to-morrow

On motion of Mr Hampton, leave of absence was granted Mr President for the balance of the day.

On motion of Mr Poindexter, house bill No. 221, to be entitled "an act concerning chaplains," was taken up and read a first time.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

Mr Burrow offered the following amendment:

And that the enrolling clerk to the senate, have a per diem allowance, equal to to that received by the enrolling clerk to the house of representatives.

Which was read.

Mr Harley moved to lay the amendment on the table.

Which motion, on a division, was lost.

The question, "Shall the amendment be adopted?" was stated from the chair.

Mr Harley called for the yeas and nays, pending which, Mr Lemoyne moved a call of the senate; which being ordered the follewing senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Davidson. DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Underhill—21.

The sargeant-at-arms was ordered to bring in the absentees.

During the absence of the sargeant-at-arms, the call was suspensed on the motion of Mr Lemoyne.

Mr Burrow asked, and obtained leave of the senate, to withdraw his amendment, when Mr Underhill offered the following amendment.

That $150 be, and the same is hereby, appropriated to pay the the enrolling clerk of the senate; and he is hereby authorized to draw at the rate of $3 00 per day, from the time of his election until it shall amount to the sum hereby appropriated.

Which was read and adopted.

Mr Henson offered the following amendment:

Amend the bill by striking out, 'three dollars,' and inserting 'two dollars.'

Which was read.

Mr Izard moved to lay it on the table indefinitely.

Upon which motion Mr Hampton called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Bozeman, Chapman, Davidson, DeShongh, Fletcher, Hampton, Harley, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Underhill—18.

Nays.—Messrs Billingsley, Burrow, Ellis and Henson—4.

So the amendment was laid on the table.

On motion of Mr Hampton, the rules of the senate were dispensed with, and the bill as amended, read a third time.

The question being on the passage of the bill, Mr Burrow called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Underhill—23.

So the bill was passed, unanimously.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have this day delivered to the governor, for his approval, "an act to incorporate the Cane Hill Female Seminary," and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Poindexter, the senate adjourned.

THOMAS B. HANLEY, *President.*

Friday, Dec. 10th, 1853.

The Senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk.

Mr President:

I have the honor to present for your honor's signature, "an act to change the time of holding the county and probate courts of Lafayette county;" "an act to change the time of holding the probate court of Sebastian county;" "an act to change the time of holding the probate court of Phillips county;" "an act to provide for the location of the county seat of Arkansas county;" and, a joint resolution, instructing our senators and requesting our representative in Congress, to procure the passage of a law granting alternate sections of land to the state, to aid in the construction of a railroad from Van Buren, *via* Fayetteville and Bentonville, to Springfield, in Missouri.

J. H. HOBBS,
Clerk of the House.

Mr Clarke, from the committee on public lands, made the following

REPORT:

Mr President:

The committee on public lands, to whom was referred a bill, entitled "an act for the relief of Henderson P. Holmes," have had the same under consideration, and instructed me to report it back to the senate, and recommend its passage.

CLARKE, *Chairman.*

Which report was read and received.

Mr Clarke moved to suspend the rules of the senate, and read the bill a third time.

Which motion prevailed.

On motion of Mr Poindexter, the bill was laid on the table for the present.

On further motion of Mr Poindexter, the rules of the senate were dispensed with, and senate bill No. 41, to be entitled "an act for the relief of certain persons who have purchased lands from the state," taken up, read a third time, and passed, and transmitted to the house of representatives for their assent.

Message from the house of representatives, by the clerk.

Mr President:

I am instructed to inform your honorable body that the house of representatives have passed "an act for the relief of John A. Harvick, sheriff of Monroe county," and "an act for the relief of James Buchannon;" also, a joint resolution, instructing our senators in Congress, and requesting our representatives to use all diligent means, to procure the passage of an act of Congress, donating of township 8 north, of range 32 west, all that portion of the government land described in the petition accompanying the resolution; all of which are herewith transmitted for the assent and concurrence of your honorable body, which is respectfully asked.

The house of representatives have concurred in the amendment of the senate to house bill No, 126, entitled "an act for the relief of Lawrence county," &c.

J. H. HOBBS,
Clerk of the House.

No. 89. Mr Clarke, on leave, introduced a bill, to be entitled "an act to amend the laws in relation to roads and highways."

Which was read a first time.

Mr Harley was called to the chair.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second timu.

And, on further motion of Mr Clarke, the bill was referred to a select committee of five, consisting of Messrs Clarke, Chapman, Hampton, Poindexter, and Rose.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house has concurred in the senate's amendment to house bill No. 221, to be entitled "an act concerning chaplains."

J. H. HOBBS,
Clerk of the House.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements have had under consideration senate bill No. 45, to be entitled "an act to incorporate the Arkansas Central Railroad Company," and a majority of said committee have instructed me to report said bill, with the following amendments, and recommend its passage.

Insert, after the words "Washington, Arkansas," "or by written or printed notice delivered to each stockholder, or sent to his nearest post office.

Strike out section eight.

Strike out all after the word "proxy," in the 13th line, to the word "and," in the 14th line of the ninth section.

Strike out, after the word "as," in the 3d line, to the word "the," in the 4th line of the tenth section.

Strike out "3," in the 7th line of the 11th section, and insert "4."

Insert, after the word "Texas," in the 7th line of the 26th section, "roads to New Orleans, and to St. Louis, and to Cairo."

UNDERHILL, *Chairman.*

Which report was read and received.

On motion of Mr Underhill, the rules of the senate were dispensed with, and the amendments taken up, read separately, and adopted.

And, on further motion of Mr Underhill, the bill was ordered to be engrosed, and read a third time on to-morrow.

On motion of Mr Berry, the rules of the senate were dispensed with, and senate bill No. 64, to be entitled "an act for the relief of the heirs of David Delaney, deceased," was taken up, read a third time, and passed.

It was then transmitted to the house of representatives for their assent.

No. 90. Mr Ellis, on leave, introduced a bill, to be entitled "an act to appreciate the value of the swamp and overflowed lands."

Which was read a first time.

On motion of Mr Ellis, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Ellis, the bill was referred to the committee on internal improvements.

No. 91. Mr Lemoyne, on leave, introduced a bill, to be entitled "an act to incorporate the town of Dover, in Pope county."

Which was read a first time.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Lemoyne, the rules of the senate were again dispensed with, the bill read a third time, and passed.

No. 92. Mr Chapman, on leave, introduced a bill, to be entitled "an act to regulate the practice of medicine and surgery in the State of Arkansas."

Which was read a first time.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Huey, the bill was referred to a select committee, consisting of the medical men of the senate.

Message from the governor, by Richard H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the senate, that on the 10th December, 1852, he approved and signed "an act to incorporate Cane Hill Female Seminary."

R. H. JOHNSON,
Private Secretary.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have adopted a joint resolution, providing for the pay of the page of the house; which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The house of representatives have passed house bill No. 216, to be entitled "an act to revise portions of the 145th chapter of the Digest of the statutes, under the head of schools and school lands;" also, house bill No. 229, to be entitled "an act for the relief of James J. Baker, sheriff and collector of Sebastian county;" both of which are herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr President resumed the chair.

On motion of Mr Clarke, the rules of the senate were dispensed with, and house bill No. 229, to be entitled "an act for the relief of James J. Baker, sheriff and collector of Sebastian county," was takon up, and read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Clarke, the rules of the senate were again dispensed with, the bill read a third time, and passed.

It was then returned to the house of representatives.

On motion of Mr Chapman, Mr DeShongh obtained leave of the senate to record his vote on the passage of the bill of the senate No. 10, to be entitled "an act to exempt a homestead from execution."

He then voted for the passage of the bill.

On motion of Mr Harley, the rules of the senate were dispensed with, and the resolution regulating the per diem pay of the page of the house of representatives, was taken up, and read a first time.

On further motion of Mr Harley, the rules of the senate were dispensed with, and the resolution taken up, read a second time, and concurred in by the senate, and returned to the house of representatives.

Mr Lemoyne laid before the senate the following report from the internal improvement commissioner of Pope county:

To the Honorable, the Senate and House of Representatives, in General Assembly, assembled at Little Rock, Dec. 9th, 1852:

The report of J. McFadden, internal improvement commissioner, in and for the county of Pope, to your honorable body, respectfully sheweth, that he, as such commissioner, received of and from the treasury of the State of Arkansas, on the 8th day of March, A. D. 1851, the sum of one thousand and fifty-seven dollars and seventy-eight cents, including fees of commissioner, and other legal fees, fifty-two dollars and ninety-seven cents, leaving a balance of said internal improvement fund drawn as aforesaid for the use of said county of Pope, amounting to one thousand and fourteen dollars and eighty-one cents, which, by the special order of the county court of Pope county, April term, 1852, was, by me, as such commissioner, loaned out, for the the term of twelve months, taking security for the same, at ten per cent. interest per annum from the date thereof; and your commissioner further sheweth, that he has this day received and drawn of and from the treasury, as aforesaid, the further sum of seven hundred and seventy-seven dollars and fifty-six cents, to be applied, together with the amount aforesaid, as may be ordered by said court.

Which is herewith respectfully submitted.

J. McFADDIN,
Internal Improvement Comr of Pope Co.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature "an act concerning chaplains."

J. H. HOBBS,
Clerk of the House.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary to whom was referred a bill to be entitled "an act for the relief of the securities of James M. Bowden, as collector of revenue for White county, for the year 1851," have examined the proposed act, and find no reason for releasing the securities from the payment of penalties, &c., other than that they have paid the principal sum, and interest thereon. There is still, however, a penalty fixed by law, remaining unpaid, that the bill seeks to release unto the parties. Your committee are of opinion, that it is bad policy to be always releasing and relieving, by special acts; public officers are encouraged to neglect duty, believing that the next ensuing legislature will grant relief, &c.

This case, however, comes clearly within that class which the legislature have granted relief to, and therefore, must also be released and relieved.

Your committee, however, see no necessity of printing the preamble which contains a history of revenues and defalcations in White county. The committee therefore propose to amend the bill by striking out the preamble, in order to avoid publishing the oration in the acts.

If so amended, the committee have advised me to recommend the enactment of the proposed statute.

All of which is respectfully submitted.

BURROW, *Chairman.*

Which report was read and adopted, and the preamble thereby stricken out.

Mr Burrow, from the committee on the judiciary made the following report:

Mr President:

The committee on the judiciary, to whom was referred senate bill No. 78, entitled "an act to amend the 6th chapter of the Digest, under the head of "executions," have considered thereof, and have authorized me to return said bill, without amendment, to the senate, and advise its enactment.

BURROW, *Chairman.*

Which report was read and received.

On motion of Mr Harley, the rules of the senate were dispensed with, and the bill accompanying the above report taken up.

On motion of Mr Burrow, the rules of the senate were dispensed with, the bill read a third time and passed.

Mr Burrow presented the petition of Elmira Hundley, late consort of Joel Hundley, deceased, signed by eight heirs of the said deceased, representing that they deem it essential that an act should be passed, authorizing the said Elmira Hundley, administratrix of said estate, to sell the negroes belonging to said estate, at private sale, and praying the passage of such an act; which was read.

No. 93. Mr Burrow, at the same time introduced a bill granting the prayer of the petitioners, to be entitled, "an act authorizing Elmira Hundley, deceased, to sell the negroes of her intestate at private sale.

Which was read a first time.

On motion of Mr Burrow, the rules of the senate were dipensed with, and the bill read a second tims.

Mr DeShongh moved to suspend the rules of the senate, and read the bill a third time.

Mr Lemoyne objected to the suspension of the rules; and moved that the bill be referred to a select committee of five. After debate,

Mr Deshongh withdrew his motion, when the question was taken on Mr Lemoyne's motion to refer, and it prevailed.

The chair appointed Messrs Lemoyne, Burrow, DeShongh, Hawkins and Ellis, such select committee.

The chair appointed Messrs Huey, Chapman and DeShongh, the committee, to whom was referred senate bill No. 92, to be entitled "an act to regulate the practice of medicine and surgery, in the state of Arkansas."

On motion of Mr Ellis, senate bill No. 85, to be entitled, "an act to call in the scrip of Monroe county,"

Was taken up and read a second time.

And on further motion of Mr Ellis, the rules of the senate were dispensed with, the bill read a third time and passed.

On motion of Mr Bozeman, senate bill No. 76, to be entitled, "an act for the relief James H. May, sheriff of Montgomery county," was taken up.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a third time.

On motion of Mr Harley, the bill was laid on the table for the present.

Mr. Poindexter from the committee on ways and means made the following report:

Mr President:

The committee on ways and means, to whom was referred the petition of Henry L. Sphar, of Crittenden county, have considered the same, and instructed me to report the accompanying bill, and recommend its passage.

POINDEXTER, *Chairman.*

No. 94. The bill accompanying the above report, to be entitled, "an act to authorize Henry L. Sphar, to hawk and peddle without paying a tax," was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Billingsley, senate bill No. 82, to be entitled, "an act revising the common school system in the state of Arkansas," reported on yesterday by the committee on education, was taken up and read first time.

On further motion of Mr Billingsley, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Billingsley, 100 copies of the bill were ordered to be printed for the use of the senate.

Mr Harley was called to the chair.

House bill No. 216, to be entitled "an act to revive portions of the 145th chapter of the digests of the statutes, under the head of "schools and school lands, was read time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the bill was referred to the committee on education.

On motion of Mr Chapman, Messrs Burrow and Poindexter were added to the committee to whom was referred senate bill No. 92, to be entitled, "an act to regulate the practice of medicine and surgery, in the state of Arkansas."

House bill No. 210, to be entitled, "an act for the relief the deaf and dumb asylum, at Danville, Kentucky," was read a first time.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Chapman, the bill was referred to the committee on the judiciary.

Mr President resumed the chair.

On motion of Mr DeShongh, the senate adjourned.

THOMAS B. HANEEY, *President.*

Thursday, Dec. 11th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names.

Messrs Berry, Billingsley, Chapman, Davidson, Ellis, Fletcher, Hampton Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose, and Mr President—18.

Prayer by A. R. Winfield, chaplain

The journal of yesterday was read and approved.

On motion of Mr Henson, leave absence was granted Mr Poindexter.

On motion of Mr Harley, leave of absence was granted to Mr. Clarke, on account of indisposition.

Message from the house of representatives, by the clerk: Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed house bill No. 102, "an act to amend the [illegible] chapter of the digest of the statutes of Arkansas, under the head of Penitentiary."

House bill, No. 185 entitled "an act to facilitate the [illegible] of assessing and collecting taxes."

And house bill, No. 232, entitled, "an act to change the time of holding the county and probate courts in the counties of [illegible] ery, Searcy and Newton."

All of which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Rose was called to the chair.

Mr Mitchell from a select committee made the following

REPORT:

Mr President:

The select committee to whom was referred the resolution of the house of representatives in relation to the mail route from Clarksville to Carrollton, have had the same under consideration, and have instructed me to report the same back, with the following amendment.

Add, after the word "Arkansas," in the last line, the words: and the supply of Crooked creek post office, by said route.

Respectfully submitted.

MITCHELL, *Chairman.*

Which report was read and received.

No. 95. Mr Billingsley, on leave, introduced a bill to be entitled, "an act to authorize Thomas J. Evans and William A. Ball, their heirs and assigns, to establish and keep ferry across the Mississippi river, at or near Helena."

Which was read a first time.

On motion of Mr Billingsley, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr President, the rules of the senate were dispensed with, the bill read a third time and passed.

On motion of Mr Chapman, the vote taken on the passage of the bill was reconsidered.

On motion of Mr Billingsley, the bill was ordered to be engrossed for a third reading on Monday next.

Mr Lemoyne introduced the following preamble and resolution:

Whereas, the subject of internal improvements is of vital importance, interest and prosperity to the state of Arkansas, be it

Resolved by the General Assembly of the State of Arkansas, That a joint committee be raised to investigate the many railroad projects that have so long agitated the public mind of the state of

Arkansas, and devise and report some system, and route or routes, that will conciliate all parties, inspire confidence within and without the state, and insure progress and successful completion.

Which was read a first time.

Mr Lemoyne moved to suspend the rules of the senate, and take up the resolution for a second reading and adoption.

Mr President objected; and after some explanation, Mr Lemoyne withdrew his motion, and the resolution was laid on the table, under the rule.

On motion of Mr Hampton, Senate bill No. 58, to be entitled, "an act to amend the laws providing for the reclamation of the swamp and overflowed lands, approved 6th and 11th January, 1351." was taken up.

Mr Hampton offered the following amendments:

Amend section 4 by striking out of the second line, the words, 'except as,' and also, out of the 3d line, the words, 'hereafter provided for.'

Amend section 5, by striking all out after the words, 'treasurer,' in the 6th line, and insert, 'who shall pay the same out of any money in the treasury, arising from the swamp and overflowed lands, or if there be no money in the treasury, arising from this source, the treasurer shall issue swamp land scrip to the holder, in such denominations as may be desired, not less than twenty dollars, for the amount certified to by the swamp land commissioners; which scrip shall be received in the purchase of swamp and overflowed lands, at public sale, or in the purchase, by private entry of the same, at the minimum price hereafter established, after the lands shall have been offered at public sale."

Amend section 9, by striking out the word 'districts,' in the 6th line, and insert, 'which districts shall be so formed that each shall contain one of the offices, created in this section.

Amend section 10, by striking out of the 2d line, the words, 'above named' and insert in the same place, 'named in section nine,' and insert after the word, 'against,' in the 3d line, 'and who shall keep his office, at the point in the district for which he shall have been elected, designated in section nine', and add after the word, 'moneys,' at the end of the 10th line 'and scrip.'

Amend section 11, by inserting between the words, 'land' and 'sale,' in the 4th line, the word, 'hereafter;' and also, insert between the words, 'lands' and 'in,' in the 3d line, the words, 'which plats shall be marked by said officer with the initials of the person making entries, corresponding with the entries made.'

Amend section 13, by striking out of the first and second lines, the words, 'after the issuance of the patents by the United States, for said swamp and overflowed lands,' and insert the same words, after the word, 'governor,' in the 5th line.

Amend section 17, by inserting in the 2d line, after the word, Helena, 'and may be removed by said commissioners to any other part where wost mork is being done; whenever, in the opinion of a majority of the commissioners, it may be deemed proper, and strike out all in the 3d line, after the word, 'meet,' up to, and including the word, 'amend,' in the 4th line, and insert, 'to discharge the duties imposed upon them by law.'

Strike out of section 20, all after the enating clause, and insert, 'that the swamp and overflowed land of the state are hereby divided into two classes, as follows:

The first class shall consist of all lands within six miles of any navigable water course, and the minimum price, at which such first class lands may be sold, shall be seventy-five cents per acre; and the second class shall consist of all swamp and overflowed lands, being a greater distance than six miles from any navigable water-course; and the minimum price at which the second class lands may be sold, shall be fifty cents per acre.'

Amend further, adding an additional section:

Sec. —— *Be it further enacted*, That in case of vacancy by death, resignation or otherwise, in any of the offices mentioned in this act, the governor shall, upon the happening of such vacancy, fill the same by appointment, which appointment shall continue until the next succeeding regular election.

Which amendments were read a first time.

On motion of Mr Hampton, the rules of the senate were dispensed with, the amendments read separately, and adopted.

On motion of Mr Underhill, the word, "four,' in the 6th line, of the 9th section was stricken out, and the word, 'five,' inserted in lieu thereof.

Mr President offered the following amendment:

But if the proprietor or proprietors of such lands or fields, shall be dissatisfied with the location of such levees through his, her or their lands or fields, and shall, on the location of such levees, as aforesaid, give to such commissioners notice of his, her or their dissatisfaction, and his determination to claim damages, as the location of such levee may occasion him, her or them, then, and in that case the said commissioners shall forthwith apply to the sheriff of the proper co., who shall forthwith proceed to summons a jury of twelve freeholders of such county, in no wise of kin to said parties, or in any wise interested in the said lands or fields through which said levees may be designed to pass; which said jury shall assemble at the place or premises intended to be reviewed, and when so assembled shall take an oath, to be administered by such sheriff, that they will faithfully and impartially review the lands and premises of such person, on which lands such levee may be located, and will faithfully and impartially assess the damages which said levee is calculated to occasion such land; which said verdict shall be returned upon the back of such inquisition, and shall, by such sheriff, be filed in the office of the clerk of the circuit court of the proper county; and the inquisition and verdict so returned shall be an effectual bar to both parties, for such owner or proprietor, then, and in that case he or she shall receive a credit for so much, for which, when properly certified by the clerk of the proper court, shall be sufficient authority to the proper office, to issue scrip for the same, and when so issued, the same shall be taken and received in payment of any of the swamp and overflowed lands in this state.

Which amendment was read and adopted.

Mr Huey offered the following amendment:

Amend 19th section, by striking out, in 2d line, the word, 'reclaimed,' and insert, 'swamp,' strike out the word, 'reclaimed,' in 3d line, and insert, "swamp."

Which were read.

Mr Poindexter moved to lay the amendment on the table.

On which motion Mr Huey called for the yeas and nays, which being sustained were ordered.

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Ellis, Fletcher, Hampton, Hawkins Izard, Lemoyne, Underhill and Mr President—11.

Nays.—Messrs Berry, Chapman, Davidson, Harley, Henson, Huey, Haxwell, Miller, Mitchell and Rose—10.

So the amendments were laid on the table.

Mr Ellis offerred the following amendment:

Strike out the words, 'imprisoned for not less than one year nor more than three years,' in the 5th line of the 22d section and insert, 'shall be imprisoned in the common jail of the county, not lesss than two nor more than three days.'

Which was read and adopted.

Mr Lemoyne moved to amend the bill by striking out, 'Clarksville, Johnson county,' in the 2d and 3d lines of the 9th section, and inserting in lieu thereof, 'Dardanelle, in Yell county.'

Mr Harley moved to postpone the further consideration of the bill until Monday next.

Which motion the chair decided could not be entertained until the question before the senate was dispeosed of.

The question was then taken on Mr Lemoyne's motion, to strike out and insert, and decided upon a decision in the negative.

Mr Huey offered the following amendment:

Strike out, 'Washingtion,' in the 3d and 4th lines of the 9th section, and insert in lieu thereof, 'Camden.'

Which was read.

Before the question was taken on the adoption of the amendment offered by Mr Huey, some doubts were expressed by senators as to the count made by the chair on the division, called for on the motion of Mr Lemoyne, to strike out, 'Clarksville, Johnson county,' and insert, 'Dardanelle, in Yell county.'

To obviate which, and to settle the question in the only legitimate way, Mr Mitchell moved a reconsideration of the vote taken on Mr Lemoyne's motion to strike out and insert.

Which motion, after debate, prevailed.

Mr Maxwell moved a call of the senate.

On motion of Mr Huey, leave of absence was granted Mr De-Shongh.

After some discussion, and before the roll was called, Mr Maxwell withdrew his motion for a call of the senate.

The question being on the adoption of the amendment moved by Mr Lemoyne, to strike out, 'Clarksville, Johnson county,' and insert, 'Dardanelle, Yell county,'

Mr Berry called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Bozeman, Burrow, Davidson, Ellis, Fletcher, Hawkins, Huey, Izard, Lemoyne, Underhill and Mr President—11.

Nays.—Messrs Berry, Billingsley, Chapman, Hampton, Harley, Henson, Maxwell, Miller, Mitchell and Rose—10.

So, 'Clarksville, Johnson county,' was stricken out, and, 'Dardanelle, in Yell county,' inserted.

The question being on the adoption of the amendment offered by Mr Huey, to strike out, 'Washington,' and insert, 'Camden.'

Mr Huey called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Fletcher, Harley, Henson, Huey and Rose—5.

Nays.—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Davidson, Ellis, Hampton, Hawkins, Izard, Lemoyne, Maxwell, Miller, Mitchell, Underhill and Mr President—16.

So the amendment was lost.

Mr Huey moved to reconsider the vote taken on the adoption of the amendment offered by Mr Lemoyne, to strike out and insert.

But after debate on points of order, and before the question was put to the senate, Mr Huey withdrew his motion.

Mr President resumed the chair.

Mr Fletcher offered the following amendment:

Add after the word, 'years,' in the 5th line of the 22d section, 'provided, that nothing in this act shall be so construed as to prevent any settler from cutting or using any timber he or they may need for their own use.

Which amendment was read.

Mr Hampton moved to amend the amendment, by adding after the word, 'use,' the words, 'and not for sale.'

Which was accepted by Mr Fletcher.

Mr Underhill offered the following as a substitute for the amendment offered by Mr Fletcher:

Amend the 22d section, by adding after the word, 'years,' in the 5th line, 'that any settler on the swamp and overflowed lands shall not be subject to the penalties imposed by this act, for timber cut for his own use, and not for sale.'

Which was read and received.

Mr Burrow offered the following amendment:

Sec. —— *Be it further enacted*, That the swamp land commissioners shall have power to make cutoffs on streams which require to be straightened, and in all cases where cutoffs are intended to be made on any creek, stream or river, the swamp land commissioners shall commence at the mouth of said water-course, and work up the stream; and no cutoff shall be made on any streams, whilst another cutoff, which is adjudged necessary to be made, remains below or down stream unmade on the same river or stream.

Provided, 1. No cutoff shall be made on the Arkansas river which will turn the Arkansas river from the town of Pine Bluff.

Provided, 2. That any and all persons who may be injured by any cutoff, shall recover damages from the swamp land fund, in the same manner that is hereinbefore provided for the recovery of damages, sustained by reason of locating levee through fields and lands.

Be it further enacted, That the swamp land commissioners shall review the levees now or heretofore constructed, and if any of said levees have been washed away, or have caved in, or if any levee requires to be raised higher, in order to make the same thirty inches above high-water mark, then, and in such cases, the swamp land commissioners shall let out and cause to be constructed such further or other work on said levees, as shall be necessary to raise the same thirty inches above all high-water marks, and any new levees make where other levees have been washed away, and the same to locate in the place adjudged to be most proper.

Which amendments were read a first time.

On motion of Mr Underhill, the rules of the senate were dispensed with, and the amendments read a second time, and adopted.

Mr Maxwell offered the following amendment:

Amend section 22, by adding; That no person shall be imprisoned a longer time than he shall pay the said fine, so assessed.

Which was read.

After some explanations, and upon assurances of senators, that an amendment had been adopted, containing a similar provision, he, by leave of the senate, withdrew his amendment.

Mr Huey offered the following amendment:

Add an additional section:

And be it further enacted, That a majority of the voters in the Washington swamp land district may have the power to change the location from Washington to any other point in said district; *Provided*, That a majority of said voters may agree upon said location.

Which was read.

On motion of Mr Underhill, the amendment was laid on the table.

On motion of Mr Underhill the rules of the senate were dispensed with, the bill, as amended, read a third time, and passed.

Message from the house of representatives, by the clerk:

Mr President:

I am directed to present for your honor's signature, "an act to change the present mode of appointing deputy clerks and sheriffs." "An act to exempt certain persons from serving on juries." "An act to constitute William T. Hardy the lawful heir of Flavius S. White." "An act for the relief of Lawrence county, and for other purposes." "An act to change the time of holding the probate court in Hot Spring county." And "an act for the relief of the heirs at law of the late James Evans, of Washington county."

J. H. HOBBS,
Clerk of the House.

Mr President:

I am also instructed to inform your honorable body, that the house of representatives have passed house bill No. 234, to be entitled "an act for the relief of C. C. Straughan, sheriff of Lawrence county;" which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Burrow introduced the following

PREAMBLE AND RESOLUTIONS:

Whereas, It has pleased divine providence to remove from the walks of men, and to call to his last and final account, our esteemed fellow citizen, the Hon. Samuel Roane, of Jefferson county; and,

Whereas, The announcement of the fact of the demise of this distinguished gentleman has thrown a gloom over the deliberations of this body, on account of the recollection of his many superior qualities of heart and head, and his former connection with this body, as a member, and the presiding officer thereof; therefore,

Be it resolved, That the senate have heard with deep regret of the recent and sudden demise of the Hon. Samuel Roane, of Jefferson county, and as an evidence of their sense on this subject, it is further resolved that the senate will now adjourn until Monday next, and will wear the usual badge of mourning for the period of thirty days.

Resolved, further, That a copy of these resolutions, with the preamble, be transmitted to the family and friends of the deceased, and that the house of representatives be informed of the action of this body, and that they be respectfully requested to suspend business until Monday next.

Which were read, and unanimously adopted, and transmitted to the house of representatives for their concurrence.

Whereupon, the chair announced that the senate stood adjourned until Monday morning 10 o'clock.

THOMAS B. HANLEY, *President.*

Monday, Dec. 13th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names.

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Huey, Lemoyne, Maxwell, Miller, Mitchell, Rose, Underhill and Mr President—20.

Prayer by Rev. A. R. Winfield, chaplain.

On motion of Mr Clarke, the reading of the journal was dispensed with for the present.

Mr Underhill introduced the following

RESOLUTION:

Resolved, That the senate will meet as a body at the residence of ex-governor Roane, this morning, at 11 o'clock, for the purpose of attending the funeral of the late Hon. Sam. C. Roane, deceased, and will accompany the procession that is expected to be then formed, to the place of interment.

On motion of Mr Underhill, the senate took a recess until half after two o'clock, P. M.

At half past two o'clock, P. M., the senate convened.

Mr Fletcher asked and obtained leave of the senate to withdraw from its files the petition of Mrs Susan Haynes.

The journal of yesterday was read and approved.

Mr Harley introduced the following

RESOLUTION:

Resolved, That the resolution of the present General Assembly, heretofore adopted, fixing upon the 18th day of December instant, as the day for our final adjournment be, and the same is hereby rescinded.

Which was read, and laid on the table one day, under the rule.

Mr Chapman, on leave, made the following

REPORT:

Mr President:

The committee to whom was referred house bill No. 199, entitled "an act to incorporate the town of Jacksonport," have had the same under consideration, and ask leave to report the same back without amendment, and recommend its passage.

CHAPMAN, *Chairman*.

Which report was read and received.

On motion of Mr Chapman, the rules of the senate were dispensed with, the bill accompanying the above report taken up, read a third time, and passed.

Mr DeShongh, from the committee on memorials, made the following

REPORT:

Mr President:

The committee on memorials, to whom was referred a memorial to the Congress of the United States, praying for the relinquishment to the several states all the public lands lying within their limits, for purposes of internal improvement and education, have had the same under consideration.

Your committee are of opinion that the relinquishment of the public lands, and the entire abolition of the land system by the general government, will promote the independence of the states, and at the same time destroy one of the great sources of corruption that so much threaten our free institutions. The closing up of all the land offices, and the dismission of the numerous officers that are necessarily employed in the management of the public lands, will remove from the general government a large portion of patronage, and to that extent will destroy one of the most dangerous influences under our government. The necessary establishment of the same offices, diversified through the several states, will raise and extend the importance of the state governments, and contribute greatly to turn the attention of the people from the powerful government at Washington towards their state governments, and thus preserve that equilibrium necessary for the preservation of our independence.

With these views, your committee have instructed me to report back to the senate the said memorial, and recommend its passage.

DeSHONGH, *Chairman.*

Which report was read and received.

On motion of Mr Underhill, the rules of the senate were dispensed with, in order that senate bill No. 45 might be taken up.

On further motion of Mr Underhill, senate bill No. 45, to be entitled "an act to incorporate the Arkansas Central Railroad Company," was taken up, read a third time, and passed.

Message from the House of Representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have unanimously concurred in the resolutions of the senate, touching the demise of the late Honorable Sam. C. Roane.

J. H. HOBBS,
Clerk of the House.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have concurred in the amendments of the senate to house bill No. 175, to be entitled "an act to establish the county of Columbia;" also, to the amendments of the senate to house bill No. 164, to be entitled "an act amendatory of an act to incoporate the Soulesbury College, at Batesville, Arkansas, approved 26th December, 1850."

The house of representatives have passed bill No. 236, to be entitled "an act to change the time of holding the county and probate courts of Monroe county;" which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr President:

I have the honor to present for your honor's signature, certain bills, to be entitled "an act to incorporate Arkansas College;" "an act to change the military road in Hempstead county;" "an act to change the time of holding the probate court of Ashley county;" also, a memorial to Congress, praying an appropriation of fifty thousand dollars to remove obstructions in Arkansas river, and twenty-five thousand dollars each for Ouachita and White rivers.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Huey, senate bill No. 86, to be entitled "an act to incorporate the Peoples' Insurance Company, at Osceola," was taken up, and read a second time.

Mr Clarke offered the following amendment:

Sec. 18. *Be it further enacted,* That there may be established an insurance office at the city of Van Buren, in this state, with a capital of one hundred thousand dollars, to be governed in all things under the rules, regulations, limitations, and restrictions, with all the powers, privileges and immunities conferred on the corporation of the Peoples' Insurance Company at Osceola, and shall be called The Northwestern Insurance Company; and shall continue for fifty years.

Sec. 19. *Be it further enacted,* That the books for subscription of stock, shall be opened at Van Buren, on the first Monday in March, 1853, and continued open for five days, or until the whole stock shall have been taken and subscribed, under the direction of E. B. Bishop, Alfred Wallace, John Henry, George W. Clarke and Philip Pennywit, commissioners appointed for this purpose.

Which amendment was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the amendment read a second time.

On motion of Mr Huey, the amendment was adopted.

On further motion of Mr Huey, the rules of the senate were dispensed with, the bill as amended, was read a third time, and passed.

Mr Davidson was called to the chair,

On motion of Mr Burrow, senate bill No. 88, to be entitled "an act to incorporate the Napoleon and Fort Smith railroad company was taken up and read a third time.

And on further motion of Mr Burrow, the bill was referred to the committee on internal improvements.

On motion of Mr Hampton, Mr Burrow was added to the committee on internal improvemert.

On motion of Mr Clarke, senate bill No. 34, to be entitled "an act to sell the Saline lands belonging to the State of Arkansas, and appropriation of the proceeds thereof to common school purposes," was taken up and read a third time, as amended on the 26th ultimo.

Mr Underhill moved to recommit the bill to the committee on education, with instructions to insert an amendment, protecting actual settlers on the Saline lands.

Which motion, the chair, after debate, decided to be out of order, as the 6th section of the original bill, which granted to actual settlers on the Saline lands a right of pre-emption thereto, had been stricken out by the senate.

From which decision Mr Clarke took a an appeal to the senate.

Mr President resumed the chair,

The question, "Shall the decision of the chair be sustained?" was out to the senate.

Mr Clarke called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Bozeman, Ellis, Fletcher, Harley, Henson, Huey, Izard, Lemoyne, Poindexter, Rose and Mr President—13.

Nays.—Messrs Burrow, Chapman, Clarke, Davidson, DeShongh, Fletcher, Hawkins, Maxwell, Miller, Mitchell and Underhill—11.

So the decision of the chair was sustained.

Mr Harley moved the indefinite postponment of the bill.

Upon which motion, Mr Izard called for the yeas and nays, which being sustained, were ordered.

Yeas—Messrs Bozeman, Burrow, Chapman, Davidson, DeShongh, Ellis, Fletcher, Harley, Hawkins, Henson, Maxwell, Poindexter and Underhill—13.

Nays—Messrs Berry, Billingsley, Clarke, Hampton, Huey, Izard, Lemoyne, Miller, Mitchell, Rose and Mr President—11.

So the bill was indefinitely postponed.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 41, to be entitled "an act for the relief of certain persons, who have contracted to purchase certain lands from the state," with an amendment thereto; in which your honorable body is respectfully asked to concur.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Huey, the amendment of the house of representatives to senate bill No. 41, to be entitled "an act for the relief of certain persons, who have contracted to purchase lands from the state," was taken up and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the amendment read a second time.

On motion of Mr Poindexter, the rules of the senate were again dispensed with, the amendment read a third time, and concurred in by the senate.

On motion of Mr Davidson, house bill No. 239, to be entitled "an act for the relief of Carney C. Straughan, sheriff of Lawrence county," was taken up and read a first time.

On motion of Mr Davidson, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Davidson, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Fletcher, house bill No. 132, to be entitled "an act for the relief of James Buchanan," was taken up and read a first time.

On further motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion Mr Fletcher, the rules of the senate were again dispensed with, the bill read a third time, and passed,

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and the resolution introduced by Mr Harley to day, rescinding the joint resolution, fixing Saturday, the 18th inst., for the final adjournment of this General Assembly, taken up.

On motion of Mr Harley, the rules of the senate were dispensed with, and the resolution read a second time.

Mr Underhill offered the following amendment:

And that the legislature take a recess till the first of May next.

Which was read.

The question being on its adoption. Mr Harley called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Hawkins, Harley, Huey, Izard, Maxwell, Miller, Mitchell, Poindexter and Rose—17.

[The negative vote not furnished the printer.]

So the amendment was lost.

Mr Underhill moved to lay the resolution on the table.

On which motion Mr Huey called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Burrow, Hawkins, Henson, Izard, Miller, Poindexter, Underhill and Mr President—8.

Nays.—Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Huey, Lemoyne, Maxwell, Mitchell and Rose—16.

So the senate refused to lay the resolution on the table.

Mr Huey moved the previous question.

Which motion prevailed without a division.

The resolution was then adopted without a division.

On motion of Mr Izard, the senate adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President.*

Thursday, Dec. 14th, 1852.

The Senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the House of Representatives by the clerk.

Mr President:

I am instruct to present for your honor's signature, "an act to call in the scrip of Madison county;" "an act to call in the scrip of Yell county;" also, "an act amendatory of an act to incorporthe Soulesbury College, at Batesville, Arkansas, approved 26th Decembnr, 1850."

J. H. HOBBS,
Clerk of the House.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 65, to be entitled "an act for the benefit of Alfred Cabler."

Also to senate bill No. 83, to be entitled "an act to incorporate the town of Waldron, in Scott county."

Which are herewith returned.

The house of representatives have passed house bill No. 29, to be entitled "an act for the benefit of township 19 south, range 1 west, in Chicot county."

Also, house bill No. 238, to be entitled "an act to constitute Maria G. Buchanan a legal heir of S. C. Buchanan."

Also, house bill No. 240, to be entitled "an act to provide for the organization of the militia when called out to suppress insurrections.

All of which are herewith transmitted for the assent of your honorable body which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Harley, the rules of the senate were dispensed with, and house bill No. 29. to be entitled, "an act for the benefit of township 19 south, range 1 west, in Chicot county, Arkansas," taken up and read a first time.

On further motion of Mr Harley, the rules of the senate were again dispensed with, and the bill read a second time.

And, on further motion of Mr Harley, the rules of the senate were again dispensed with, the bill read a third time and passed.

On motion of Mr Hawkins, the rules of the senate were dispensed with, and house bill No. 189, to be entitled "an act to legalize the sale of the 16th section, in township 8, south of range 30 west,in the county of Sevier," taken up, and read a first time.

On further motion of Mr Hawkins, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Hawkins the rules of the senate were again dispensed with, the bill read a third time and passed.

Mr Lemoyne moved that the orders of the day be taken up.

Without putting the question, the chair announced that petitions from counties were in order.

Mr Chapman presented a petition, signed by 38 citizens of Jackson county, representing that James S. Crawford of said county, was wounded at the battle of Taladega with the Creek Indians, by a ball in his right shoulder, which ball still remains in his shoulder, and in consequence of which, and his age, he is unable to perform manual labor for the support of himself and family; and praying the passage of an act granting him the right to hawk and peddle in the state, without paying state or county license for such privilege.

Which was read, and on motion of Mr Chapman, referred to a select committee of three, consisting of Messrs Chapman, Berry and Mitchell.

Mr Clark presented the petition of Andrew Byrne, bishop of Little Rock, representing that, on the 4th day of January, 1848, he purchased the 16th section of township 8, north of range 32 west, containing 640 acres, situate in the present county of Sebastian, for the sum of $5,250, and which was its full value at that time; that the purchase money was all paid to, and a deed made by John Rogers, Joseph Bennett and George S. Binne, commissioners duly authorized to sell said section under "an act of the legislature of the state of Arkansas, approved 21st December, 1846; and possession of the land given to him; that the said section was sold at the request, and with the consent of a large majority of the taxable inhabitants of the township; that the purchase was made for the purpose of establishing schools and institutions of learning there, and not for speculation; that since his purchase, land speculators, and other evil disposed individuals, have endeavored to create the impression there, that the commissioners had no authority to sell; and that the sale was void, and which might perhaps cast some sort of suspicion on the title; and praying the passage of an act confirming his title, under said purchase.

Which petition was read.

On motion of Mr Clarke, the petition, and the opinion of Gen.

S. H. Hempstead, the attorney for the petitioner, and the deed executed by said commissioners, with the approval of 107 of the inhabitants of said township thereto attached, were referred to a select committee of three, consisting of Messrs Clarke, Harley and Rose.

No. 96. Mr Clarke, on leave, introduced a bill, to be entitled, "an act to confirm the sale of section 16, township 8 north, range 32 west."

Which was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Clarke, the bill was referred to the same select committee to whom was referred the petition of Andrew Byrne, and accompanying papers.

Mr Chapman moved that the vote taken on yesterday, on Mr Harley's motion to indefinitely postpone senate bill No. 34, to be entitled "an act to sell the Saline lands belonging to the state of Arkansas, and the appropriation of the proceeds thereof to common school purposes," be reconsidered.

Which motion prevailed without a division.

On further motion of Mr Chapman, the bill was referred to the committee on public lands.

No. 97. Mr Clarke, on leave, introduced a bill to be entitled 'an act to make an addition to the limits of the city of Van Buren."

Which was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with and the bill read a second time.

And, on further motion of Mr Clarke, the rules of the senate were again dispensed with, the bill read a third time and passed.

No. 98. Mr Underhill, on leave, introduced a bill to be entitled "an act for the relief of Dr. John M. Taylor, of Desha county."

Which was read a first time.

On motion of Mr Underhill, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Underhill, the bill was referred to the committee on public lands.

On motion of Mr Huey, the rules of the senate were dispensed with, and house bill No. 188, to be entitled "an act to facilitate the convenience of assessing and collecting taxes," taken up and read a first time.

On motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

Mr Harley moved to suspend the rules of the senate, and read the bill a third time.

To which motion Mr Lemoyne objected, and moved to refer the bill to a select committee.

Which motion, having precedence, was put by the chair to the senate, and decided in the affirmative.

The chair appointed Messrs Lemoyne, Huey, Harley, Davidson and Hawkins, such select committee.

On motion of Mr Berry, the rules of the senate were dispensed with, and house bill No. 187, to be entitled "an act to exempt the property of Pinckney Anderson from taxation," taken up and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the bill was referred to the committee on the judiciary.

Mr Underwood was called to the chair.

Mr Fletcher presented the memorial of James Judson, of Pulaski county, representing, that in the spring of the year, 1840, Thomas Thorn, then a citizen of said county, purchased of James S. Conway, then governor of the state of Arkansas, under an act of the legislature, 160 acres of the 72 sections of land donated by Congress to this state for the purpose of erecting a seminary of learning, at $10 per acre, minimum price; $2 50 of which was paid to the state, by said Thorn, at the time of purchase, that said Thorn exempted his notes for the residue $7 50 per acre, with your memorialist as his security;' that at the time said notes were executed the said Thorn had large contracts with the state, on which he received large sums of money; that he never doubted but the purchase money due on said land would be paid by said Thorn out of the money received thus from the state.

That, in 1844, said Thorn became embarrassed, and absconded the country, taking with him all his movable property, and leaving this debt unpaid; that he was security for said Thorn in other instances, and had to pay large sums of money for him.

The memorialist further represents, that without having borrowed one dollar on his own account, he has had to pay as security to the state, the banks and to individuals, near $10,000, hereby leaving his large and dependent family nearly without the means necessary to their education and support.

That he is advised that the legislature have relieved all others who purchased seminary lands under like circumstances; that the lands have been graduated in price from $10 to $6, $4 and $2; and that those who had originally purchased them had been suffered to forfeit them, and again enter under the new law, and this, too, by principals, and men who were well able to pay the original purchase; that, under the circumstances, it is morally impossible for him to pay the whole debt, without depriving himself of the scanty means left to support and educate his family; and praying the passage of an act authorizing him to be discharged from his said obligations, on his paying the sum of $5 per acre, or otherwise annul the contract, and relieve him from all further obligation.

Which was read.

No. 99. Mr Fletcher, at the same time, introduced a bill, to be entitled "an act to extend to James Lawson the provisions of an act entitled an act for the relief of those persons who had purchased unlocated portions of the seminary lands."

Which was read a first time.

On motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr. Fletcher, the bill, together with the memorial of James Lawson, were referred to a select committee, consisting of Messrs Fletcher, Berry and Poindexter.

On motion of Mr Huey, the rules of the senate were dispensed with, and house bill No. 258, to be entitled "an act to constitute Maria Gertrude Buchanan one of the legal heirs of Sterling E. Buchanan, of Ouachita county," taken up, and read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, the bill read a second time.

And, on further motion of Mr Huey, the rules of the senate were again dispensed with, and the bill read a third time and passed.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and the amendment of the house of representatives to senate bill No. 31, to be entitled "an act to confirm certain sales," taken up, read and concurred in.

On motion of Mr President, the rules of the senate were dispensed with, and House bill No. 227, to be entitled "an act for the relief of John A. Harvick, sheriff of Monroe county," taken up, and read a first time.

On motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr President, the rules of the senate were dispensed with, the bill read a third time, and passed.

On motion of Mr Chapman, the rules of the senate were dispensed with, and house bill No. 169, to be entitled "an act to change, in part, the time of holding the circuit courts on the third judicial circuit in this state," taken up, and read a first time.

On further motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Chapman, the bill was referred to a select committee, consisting of Messrs Chapman, Davidson and Maxwell.

No. 100. Mr Henson, on leave, introduced a bill, to be entitled "an act to adopt William Callison, and make him the heir of David G. Hughes."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr Henson, on leave, introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That they meet in the representative hall, on the 17th instant, at

11 o'clock, A. M. for the purpose of electing secretary of state, auditor and treasurer for the State of Arkansas.

Which was read a first time, and laid on the table one day, under the rule.

On motion of Mr Huey, senate bill No. 76, to be entitled "an act for the relief of James H. May, sheriff of Montgomery county," was taken up, and read.

Mr Harley moved to amend the bill, by striking out the preamble.

Which motion prevailed.

Mr Harley moved further to amend the bill, by striking out the words "said expense," in the last line of the first section; and, by adding, after the word "pay," in the same line, the words "James H. May, sheriff of Montgomery county, for arresting Hardy Wyatt, a fugitive from justice."

Which amendments were read and adopted.

On motion of Mr Huey, the rules of the senate were dispensed with, the bill read a third time, as amended, and passed.

No. 101. Mr Chapman, on leave, introduced a bill, to be entitled "an act for the benefit of James L. Crawford, of Jackson county."

Which was read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

Mr Izard offered the following amendment:

And that John S. Holloway, of Crittenden county, have the same privileges.

Which was read and adopted.

On motion of Mr Chapman, the bill, as amended, was referred to the same select committee to whom was referred the petition of certain citizens of Jackson county, asking the passage of a bill for the benefit of James L. Crawford, presented this morning by Mr Chapman, consisting of Messrs Chapman, Berry and Mitchell.

Mr Clarke, from the committee on public lands, made the following

REPORT:

Mr President:

The committee on public lands, to whom was referred the resolution, instructing that a bill be reported, to provide for the abolition of the state land office, have instructed me to report the following bill, and recommend its passage.

CLARKE, *Chairman.*

Which report was read and received.

No. 102. The bill accompanying the report, to be entitled "an act to abolish the office of state land agent," was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

It was then ordered to a third reading.

On motion of Mr Huey, the rules of the senate were dispensed with, and the resolution introduced by himself on the 24th ult., proposing to amend the constitution of the State of Arkansas, so as to authorize the legislature of this state to pass laws allowing the exercise of free banking privileges, taken up and read.

Mr Huey moved to refer it to a committee of the whole, and make it the order of the day for Monday next, in order that the subject might be discussed at length by the senate.

Mr Harley moved the indefinite postponement of the resolution, and called for the yeas and nays, which being sustained, were ordered, as the motion to postpone had precedence over the motion to refer.

Yeas.—Messrs Berry, Billingsley, Bozeman, Chapman, Ellis, Hampton, Harley, Henson, Izard, Maxwell, Mitchell, Rose and Mr President—13.

Nays.—Messrs Burrow, Clarke, Davidson, Fletcher, Huey, Miller, Poindexter and Underhill—8.

So the resolution was indefinitely postponed.

Mr Izard, on leave, presented the memorial of William A. Neely, of Poinsett county, representing that he, Martha C. and Orville Y. Neely, are the legatees and heirs at law of Charles Neely, deceased, late of said county; that on or about the 12th day of April, 1847, their ancestor departed this life, having before that time made and published a paper purporting to be his last will and testament, in which he bequeathed and devised all his estate, real, personal and mixed, to the above named legatees, and Patrick H. Neely, another of his sons, and Nancy Neely, his widow, who have since that time also departed this life, leaving the said William A., Martha C. and Orville Y. Neely, the memorialists, his sole remaining legatees and heirs at-law; that the said Martha C. and Orville Y. are minors, under the age of 21 years; that said William A. Neeley has been duly appointed the guardian of said minors, by the probate court of Poinsett county, and is the only surviving executor of the last will and testament of Charles Neely.

Your memorialist further present, that the said Charles Neely, at the time of his demise, was not invested with the title to any real estate in this state, but had the right of pre-emption to the S. W. qr, of sction 28, and the S. E. qr. of section 29, township 9. N., of range 4 E.; that he directed, in his will, that said lands might be entered in the joint names of his widow, the said Nancy, William A. and Patrick H. Neely; that said lands were entered in the name of said Nancy Neely, for her life, and the said Patrick H.; that he has no power, under the laws now in force, or under the last will and testament of said Charles Neely, to sell the land above mentioned; that the surving legatees have, since the death of their ancestor, the said Charles, entered several other tracts of land in their joint names; that it is the opinion of themselves, their friends and relations, that it would be their interest to sell the lands above described, and invest the money arising therefrom in the purchase of slaves, to be employed in the opening and culture of a portion of their other lands; and praying the passage of an act authorizing the said Wm. A. to sell the said lands, and invest the proceeds of such sale in the purchase of slaves, for the benefit of said legatees.

Which memorial was read.

No. 103. Mr Izard, at the same time, introduced, on leave, a bill, to be entitled "an act for the relief of William A. Neely, of Poinsett county, and authorizing him to sell certain lands, as guardian."

Which was read a first time.

On motion of Mr Izard, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Izard, the bill was ordered to be engrossed and read a third time on to-morrow.

Mr Izard, on leave, made the following

REPORT:

Mr President:

The joint committee on the penitentiary, to whom was referred so much of the governor's message as related thereto, have had the same under consideration, and after a careful investigation of the whole subject, a majority of one of said committee have determined to make an adverse report, and recommend the abolishment of the Penitentiary system; the minority of said committee differing from the majority in opinion, respectfully ask leave to report the following:

That by virtue of, and in accordance with the provisions of an act approved the 11th day of January, 1851, providing for the building of a safe and durable wall around the penitentiary, work-shops and a keeper's house, and for the general improvement of the penitentiary system in this state, the board of inspectors created by the said act, entered into contract with one Horace B. Allis, to erect the said buildings, and to make all and singular the improvements specified in the act aforesaid, stipulating with the said Allis, that in accordance with the provisions of the above recited act, they would cause to be paid to him, said Allis, the sum of six thousand dollars per annum, in quarterly instalments, as the work progressed; conditioned in all other respects as the law required. From the information communicated in the message of governor Roane, and accompanying documents, it appears that the said Horace B. Allis, in pursuance of his said contract, took the superintendance of the penitentiary, and charge of the convicts therein, on the 7th day of April, 1851, and it further appears that the said Allis did, on the certificates of the board of inspectors, receive from the state Treasury the sum of three thousand dollars, or two quarterly instalments, and the said Allis having made no progress with the work towards the completion of his said contract, the Auditor of public accounts very properly, in the opinion of your committee, refused to audit and pay the third quarterly instalment of fifteen hundred dollars. Upon the refusal of the said Auditor to pay the amount aforesaid, the said Allis abandoned his contract which, in the opinion of your committee, he had no legal right to do, and turned over the prison and convicts to the state. Subsequently, the governor entered into a temporary contract with one Alexander George, to take charge of the state prison, and to provide for the safe keeping and support of the convicts until the General Assembly should make a more permanent arrangement. In justice to Mr George, your committee take pleasure in saying, that from their own personal inspection, and from other reliable information, they have just reason to believe that the discipline of the prison has been much improved, and the condition of the convicts greatly ameliorated, under his wise and humane management. For further particulars your committee would respectfully refer the senate to the message of governor Roane, and the reports of the board of inspectors and present superintendent.

The minority of your committee, with all due respect for the opinions of the majority, must be allowed to say, that they are wholly at a loss to discover by what mode of reasoning the majority of your committee have come to their present conclusions. Is it true, indeed, that Arkansas is so far behind the age as to make it necessary for her to fall back upon the barbarous ages, and adopt a system for the punishment and suppression of crime that is revolting to every feeling of enlightened humanity? It cannot be so; the minority of your committee are unwilling to believe it. That the penitentiary system, since its adoption in this state, has been very unwisely and injudicialy managed, and that many its agents have been improvident, and in many cases acted in bad faith, the minority of your committee are free to admit, and that your treasury at this time is in a bad condition to bear the appropriations necessary for rebuilding; but they are unable to see any good reason in all this why a system, considered by all wise philanthropists and statesmen, to be the very best and most humane that can be devised for the suppression and punishment of crime, should be abandoned, and a host of cut throats, thieves and assassins turned loose in society, to murder, rob, burn and destroy with impunity. Such a policy (in the judgment of the minority of your committee) should the General Assembly adopt it, would merit the contempt of all good men.

The minority of your committee, therefore, recommend that such measures be taken as to insure the building of a safe and durable wall around the present building, which, your committee are of opinion, will answer the purpose for a number of years to come, with slight repairs. They also submit for the considertaion of the senate, the proposition of Alexander George and John Robins, citizens of this place, to build a wall around the present penitentiary house, and also the proposition of E. Steadman, a citizen of Tennessee, as a part of this report. All of which is most respectfully submitted.

MARK W. IZARD,
G. W. LEMOYNE,
GEO. W. UNDERHILL,
RICHARD FLETCHER,
GEO. W. CLARKE,
JESSE MILLER,
JOHN BILLINGSLEY,
JOHN BERRY.

PROPOSAL OF ALEXANDER GEORGE AND JOHN ROBINS.

To the Committee of the Senate and House of Representatives of the State of Arkansas.

We, the undersigned, will agree to build a wall around the penitentiary three hundred feet square, four feet thick at base and two at top, and twenty feet high, to be two feet below the surface of the ground and eighteen feet above, of rock or stone, and lay it in the best of lime and sand mortar, and neatly joint up all the joints with hydraulic cement; the materials and workmanship to be equal or superior to the basement story of the main building, called the United States' Arsenal, at this place, cut stone excepted; and will keep the prisoners two years, and do all things according to law, for the sum of twenty-six thousand two hundred and forty-eight dollars; to be paid as the work progresses, in quarterly estimates.

Most respectfully, &c.,

ALEXANDER GEORGE,
JOHN ROBINS.

Little Rock, Nov., 24th, 1852.

PROPOSITION OF E. STEADMAN.

The undersigned, a citizen of the State of Tennessee, who has successfully, devoted a large portion of his life to machinery and manufactures, begs leave to submit to the legislature of Arkansas the following proposition in relation to the Penitentiary:

To build a woollen and cotton factory of 1,400 spindles and 30 4-4 looms and mills, with two run of stones, one for corn and the other for wheat.

The main building to be of brick, with a rock foundation, and of the following dimensions: 38 by 92 feet in the clear, the first story to be 12 feet in clear between the floors, and the second 10 feet; the wall of the first story to be 18 inches, or two brick thick, and the second to be 13 inches, or one and a half brick thick, and covered with tin or slate, and heated by steam, and such out-houses as are required to carry on such an establishment, such as boiler and engine, dry-houses, &c.

Such an establishment, the undersigned will warrant to produce the following amount of goods per day, to-wit:

200 lbs of yarns, assorted numbers;
200 yards of twilled jeans, 4-4 wide, at 16 oz. per yard;
225 yards of 4-4 linseys, 11 oz. per yard;
675 yards of 4-4 osnaburghs, 8 oz. per yard.

The woollen machinery to be so constructed as to make a lighter and lower priced fabrics, such as Georgia kerseys.

The pair of stones for corn to be of Laurel-hill rock, or equal to it. The pair of stones for wheat to be of the French Burr of the best quality, with a small machine, Screen and double bolts for superfine flour; in short, all the apparatus necessary for a complete machine mill, and which machinery for the manufactory and mills to be moved by an engine and boiler of sufficient power.

The houses to be built in a neat and substantial manner, of a style and construction best suited to the purpose. The engine and machinery of the best model and construction, embracing the latest improvements that have been fully tested.

The undersigned proposes to put up such an establishment, with all the machinery, in the space of four years, and put the same into successful operation, upon the following terms, to-wit:

For the sum of forty-five thousand dollars, to be paid as follows: The state to pay for the work done on the buildings as they progress, by quarterly payments, and for one half of the machinery at the time of shipment, and the balance in six months, or when the machinery produces the amount of work guarantied.

The undersigned is to have, in putting up the house and machinery, the labor of the convicts in the penitentiary, without charge, but he is to guard and maintain them without any expense to the state for the keeping of them.

After the manufactory and milling establishment is completed as above, the undersigned will lease the whole establishment from the state for five years, with the privilege of five more, at the rate of forty-five hundred dollars per year, or equal to it, and the convicts to be governed by such humane regulation as may be approved by the inspectors.

The undersiged understands that it is absolutely necessary, for the security and safe-keeping of the convicts, that a strong wall should be erected around all the buildings, and he therefore proposes to build a substantial brick wall, 27 inches thick and 18 feet high, around all the buildings, with iron gates; the foundation to be of rock, and three feet, enclosing an area of 250 by 400 feet, and will also build a two-story brick house of sufficient dimensions to accommodate the keeper and other officers employed in the institution, the front of which, shall be a part of the wall, and will repair the present buildings so as to make them safe and secure.—The cells to be ventilated and made comfortable and healthy, and fit up a room for a hospital, and one for a chapel and school room. All the work to be completed in two years, for the sum of thirty thousand dollars, to be paid in quarterly installments, as the work progresses.

The contractor is then to have the labor of the convicts, without charge or expense to the state.

All of which is respectfully submitted.

E. STEADMAN,
Gallatin, Tenn.

Which were read.

On motion of Mr Chapman, one hundred copies of the report and accompanying propositions were ordered to be printed.

Mr Chapman moved to reconsider the vote taken on Mr Harley's motion, to indefinitely postpone the resolution of the senate proposition to amend the constitution of the state, so as to allow free banking.

Before the question was taken on the motion to reconsider, Mr Harley moved a call of the senate.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

The sargeant-at-arms was ordered to bring in the absentees, who retired from the chamber for that purpose.

During his absence Mr Huey withdrew the call, when, on motion of Mr Izard, the senate adjourned.

THOMAS B. HANLEY, *President.*

Wednesday, Dec. 15th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—23.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Berry, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrollments, have examined "an act for the relief of certain persons, who have contracted to purchase lands from the state;" also, "an act for the benefit of Alfred Cabler;" and and have instructed me to report the same correctly enrolled.

BERRY, *One of the Committee.*

Mr Lemoyne laid before the senate, the following report of the internal improvement commissioner of Yell county.

Report of the Commissioner for Internal Improvements for Yell County, Arkansas.

To the Honorable, the General Assembly of the State of Arkansas:

It becomes my duty as internal improvement commissioner, to report to both houses of the legislature a plan or report of my proceedings since I have exercised the privileges of the office.

I was elected on the first Monday in February, A. D., 1851; gave bond in accordance with the law made and provided; all on the 22d day of March, 1851, I drew from the treasury of the State of Arkansas the sum of one thousand and fifty-seven dollars and seventy-nine cents; and on the fifth November, A. D., 1851, I drew from the treasury of the State of Arkansas, the sum of two hundred and 67 dollars and sixty eight cents; and on the fifth day of November, A. D. 1852, I drew from the treasury of the State of the State of Arkansas, the sum of five hundred and nine dollars and eighty-seven cents; making in all the sum of eighteen hundred and thirty-five dollars and thirty-four cents, &c., &c.

And on the fifteenth day of September, A. D., 1851, after twenty days' previous notice, I let out to the lowest and last bidder, it having been previously approved by the honorable, the county court of Yell county, the contract for building two bridges on the main highway from Dardanelle and Norristown to Danville, the seat of justice of Yell county. The streams that need bridges were frequently impassable from high water. The work is of a substantial sort, and affords great facilities to the travelling community.—The work was completed by the contractor strictly in accordance with the plans presented, and reviewed by the undersigned, accepted, and the sum of two hundred and fifty-six dollars paid for them.

And on the eighth day of December, A. D. 1851, the undersigned, after legal notice, by written advertisements, &c., proceeded to let out at the court house door, to the lowest and last bidder, the cutting of the timber, grading, leveling and ditching of nine hundred yards of road on south side of Fouche le Fevre mountain.—The contract was taken by John R. Harris, who gave bond in proper form, for double the amount of the contract; which contract was originally two hundred and thirty-nine dollars. The commissioner deemed the bid low for the work, and therefore, felt no hesitation in closing the contract. The work was strictly reviewed by the undersiged as it progressed, and completed fully in accordance with the stipulations set forth and accepted by the undersigned on the 11th of March, 1852.

And the sum of two hundred and ninety-nine dollars, paid the contractor, and his receipt taken for the same, and his bond taken up.

The aforementioned contracts are all that are completed in Yell county.

On the sixth day of the present month, the undersigned let out at the court house door, to the lowest and last bidder, the cutting of the timber for the distance of 1,959 yards, (20 yards wide,) the grading, leveling and ditching of fourteen hundred and twenty-six yards of road on north side of Fouche le Fevre Mountain, for the sum of two hundred and forty dollars. The contract was taken by John B. Fedge, who entered into bond, with good security for the faithful performance of the contract, &c., in a certain period of time, &c.

The undersigned would most respectfully represent to your honorable body, that the above mentioned works of internal improvement are all on the main thorounhfare leading north and south, the entire length of our county. The bridges that were built were over streams that were very frequently impassable from high water, and were considered indispensible to the weelfare of and convenience of the traveling public. The works on the Mountain are of a permanent character, and are to some extent, remote from settlements, and, consequently had become almost impassible. The improvements on the Mountain that that are made, and those that are in progress, will afford great facilities of travel to the citizens of our own county as well as invite the influx of travelers and drovers who pass to the south from the north and west parts of our state and the State of Missouri annually, and who now take a different route, because it is better.

The above are some of the considerations that have influenced the undersigned to make the improvements aforementioned, &c.

The above plans were all submitted by the undersigned to the honorable, the county court, and approved by that body.

The undersigned let out, at the court house door, on the sixth of the present month, the building of two bridges and the throwing up of a levee five hundred feet long, two feet high, &c., on the road leading from Dardanelle to Little Rock, on the south side of the Arkansas river, for the sum of two hundred and twenty-six dollars, &c.

The last mentioned works are much needed, and are of a permanent character, &c., &c. They were also approved by the county court of Yell county at their November term, A. D., 1852.

The undersigned would most respectfully represent that the works already completed were done in good style, and the contractor done himself infinite credit in both instances; and I have no hesitation in saying, those now under contract will be completed in a manner to equal those already finished. And perhaps no county has had the same amount of internal improvements made for as little money, &c.

The enclosed exhibit marked "A.," will show the amount of funds drawn by me at different times; the amount of my commission on same; the amount paid out for work done; the amount of my pay for services rendered, and the amount of my expenses in procuring funds, and attending courts, and supervising, and reviewing works, writing, &c.

The foregoing is a plain statement of my proceedings since I came into office, as internal improvement commissioner, which I beg leave most respectfully to present to your honorable body, as my report, &c.

JOHN J. STINNARD,
Internal Imp. Com. for Yell Co., Ark.

Office Int. Improvement Com., Dardanelle, Ark.
December 10th, 1852.

"A."

Exhibit or Statement of the Internal Improvement Commissioner in, and for the County of Yell, and State of Arkansas.

1851.		
May 22.	Received from the Treasurer of the State of Arkansas, - - -	$1,057 79
Nov. 5.	Received from State Treasury the sum of,	267 68
1852.		
Nov. 2.	Received from State Treasurer the sum of,	509 87
	Making the sum total brought down,	$1,835 34
" "	Amount of Internal Imp. Com's. per cent.	$37 06
" "	Expenses of Internal Improvement Commissioner,	75 06
" "	Amt. of Int. Imp. Commissioner's fees for all services by self up to date, &c,	49 50
	Amt. total of Com's. fees and expenses,	$161 62
" "	Amt. paid by Com. for work done &c.	$585 00
" "	Total amt. of expenses up to date - - -	$746 62
" "	Balance in my hands not expended -	1,088 72
" "	Amt. now under contract and not paid for,	466 00
" "	Amt. now in my hands as a balance subject to appropriation,	622 72

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature "an act to incorporate Cane Hill College;" "an act to establish and incorporate the Mine Creek Male and Female College, in Hempstead county;" also, "an act to charter the Cincinnati and Little Rock Slate Company."

J. H. HOBBS,

Clerk of the House.

Mr Miller laid before the senate the following report of the internal improvement commissioner of Franklin county:

To the Honorable, the General Assembly
of the State of Arkansas, now in session:

The undersigned, internal improvement commissioner for the county of Franklin, in said state, in obedience to an act of the 10th of January, 1849, would make the following report to your honorable body: That, on the 24th of January, 1852, he was elected to fill the vacancy occasioned by the resignation of William G. Preston, internal improvement commissioner for said county; that he is not apprised of the amount of internal improvement funds which came to the hands of the said Preston, or his predecessors in office, nor the amount expended by him or them, for purposes of internal improvement; that some improvement has been made by the said Preston on the public road passing from the Madison county line, through said county, south to the Scott county line, which is of considerable benefit to the traveling community; that the road so improved intersects and is connected with works of similar improvement made by Scott and Madison counties.

The undersigned would further show, that he has received the sum of five hundred and thirty-nine dollars and eighty cents, and has paid out the sum of fifty-two dollars and fifty-two cents, leaving now in his hands the sum of four hundred and eighty-nine dollars and thirty-one cents, and having fully reported, prays that the same may be received by your honorable body.

WILLIAM C. ADAMS,

Internal Improvement Commissioner.

Mr Chapman renewed his motion to reconsider the vote taken on yesterday, on Mr Harley's motion to indefinitely postpone the resolution of the senate, proposing to amend the constitution of the State of Arkansas, so as to empower the legislature to pass laws allowing the exercise of free banking privileges.

On which motion, Mr Harley called for the yeas and nays.

Pending which motion, the question was debated by Messrs Clarke, Harley and Poindexter.

At the conclusion of the debate, and before the question was put to the senate on the motion to reconsider, Mr Huey moved a call of the senate.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

The sargeant-at-arms was ordered to bring in the absentees.

He retired from the chamber for a short time, and returned, and reported that the absentees, Messrs Burrow and Hampton, were present.

Whereupon, Mr Huey withdrew his motion for a further call of the senate.

The yeas and nays being sustained, on the motion to reconsider, were ordered:

Yeas.—Messrs Burrow, Chapman, Clarke, Davidson, Fletcher, Hawkins, Huey, Lemoyne, Miller, Poindexter and Underhill—11.

Nays.—Messrs Berry, Billingsley, Bozeman, Ellis, Hampton, Huey, Henson, Izard, Maxwell, Mitchell, Rose and Mr President—12.

So the motion to reconsider was lost.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have this day delivered to the governor, for his approval, "an act for the benefit of Alfred Cabler;" also, "an act for the relief of certain persons who have contracted to purchase lands from the state," and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

Mr Hampton, from the committee on public printing, made the following

REPORT:

Mr President:

The standing committee on public printing, charged with the contracting for the printing necessary for the public service during the present session, and such as may be necessary up to the meeting of the next General Assembly, ask leave to report—

1st. That the committee, acting jointly with the committee of the house of representatives, have contracted with Richard H. Johnson, proprietor of the "True Democrat," published in this city, for the printing of the bills and other job work ordered by the present General Assembly; and, also, for the printing of the blanks, &c., necessary for the executive offices, up to the meeting of the next General Assembly—a copy of the contract, together with the bond of Mr Johnson, being herewith submitted, that the same may be filed in the office of the secretary of state.

2d. The committee have also contracted with Mr John M. Butler, for publishing, in the "Arkansas Whig," the laws, of a general character, passed during the present session, and proclamations, &c., from the executive department, up to the next meeting of the General Assembly—Mr Butler's bond, together with the contract, being also reported, that they may be filed in the office of the secretary of state.

The action had by this body upon the bill to provide for the correct publication of the laws, which requires the secretary of state to read the proof sheets with the printer, and officially to certify to the correct publication thereof, induce the committee to delay closing the contract with Robert L. Pegues, of Arkadelphia, who was the lowest bidder, for printing the laws and journals passed at the present session, until final action shall be had upon this subject by the General Assembly.

The committee further report, that no contract has been made for printing the governor's message, and the reports, &c., which are required to be printed before the assembling of the next General Assembly.

The committee would also recommend the adoption of the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the secretary of state is hereby directed to select such of the laws of a general character which may be passed at the present session, and the nature of which require their publication before the pamphlet acts may be published, and furnish a copy of the same to the publisher of the Arkansas Whig, that they may be published according to contract.

HAMPTON, *Chairman.*

Which report was read and adopted.

The joint resolution accompanying the report was read a first time, and laid on the table one day, under the rule.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements have had under consideration senate bill No. 90, to be entitled "an act to appreciate the value of the swamp and overflowed lands," and have instructed me to report the same back, amended by striking out the 2d section, and recommend its passage.

UNDERHILL, *Chairman.*

Which report was read and received.

Mr Clarke, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred the petition of Andrew Byrne, and accompanying bill, have had the same under consideration, and instructed me to report back the same, and recommend the passage of the bill.

CLARKE, *Chairman.*

Which report was read and received.

Mr Clarke, from the committee on public lands, made the following

REPORT:

Mr President:

The committee on public lands, to whom was referred the bill, entitled "an act for the relief of John M. Taylor, of Desha county," have had the same under consideration, and have instructed me to report it back to the senate, and recommend its passage.

CLARKE, *Chairman.*

Mr Clarke, from a select committee made the following

REPORT:

Mr President:

The select committee to whom was referred the report of the joint select committee, required to investigate the accounts of D. B. Greer, Esq., secretary of state, have had the same under consideration, and ask leave to report:

That they find the vouchers are for moneys expended during the years 1846, '47, '48, '49 and '50, and appear to relate altogether to the repairs of the state house, for fuel and stationery, and for the distribution of the Acts and Journals.

Your committee, without finding fault with the manner in which the public monies have been disbursed by the secretary of state, or expressing a doubt as to the faithfulness of the disbursements, feel compelled to deprecate the habit he has fallen into of expending the public monies upon objects not provided for by law.

The facts presented by the vouchers are as follows:

By reference to a statement furnished on application to the Auditor, it appears that the following appropriations were made and placed in the hands of the secretary of state, to be disbursed on the objects specified in said acts of appropriation.

By act, 19th January, 1849. For repairs of state house,	$2,500 00
This amount was drawn by the secretary 30th January, 1849.	
By acts of 2d and 10th January, 1849. For distribution of Digest and the Acts and Journals,	2,500 00
This amount was drawn by the secretary on the 11th January, 21st April and 20th July, 1849.	
By act of 23d December, 1846. For fuel and stationery for General Assembly,	600 00
This amount was drawn by the secretary, 30th January, 1850.	

The vouchers show the amount expended by the secretary of state for repairs of state house, to be	4,658 06 1-2
From this deduct amount appropriated,	2,500 00
Shows expended over the amount authorized by the legislature,	2,188 06 1-2

To enable the secretary to meet these extravagant expenditures, over the amount appropriated, he was compelled to draw upon funds appropriated for other purposes.

The vouchers show expended for distribution of digests, acts and journals, $1,586 94

The balance of this fund, $936 06, which should have been left in the Treasury, it appears was expended without authority, upon repairs of the state house.

The amount expended for fuel and stationery, is $939 73

This is an excess of $339 73 over the amount drawn from the Treasury for that purpose.

The amounts received by the secretary from other sources, that he was not authorized to expend, and which should have been placed in the treasury, subject to the disposal of the General Assembly, are as follows:

On Thomas Keeze's note, February 28, 1848,	$110 00
On R. Calvert's note, February 28, 1848,	205 30
On T. Keeze's note, December 16, 1849,	252 31
On R. Calvert's note, January 8, 1850,	211 00
For sale of cannon house,	30 00
For sale of four barrels tar,	32 00
Total,	$840 61

This amount of $840 61, your committee suppose was expended by the secretary of state, for repairs of the state house, and for fuel and stationery.

Vouchers numbers numbered 10, 11, 12, 14, 15, 16, 18 and 46. amounting to $80 86 1-4, for expenditures in 1846 and 1847, anterior to the appropriations under consideration, and which have no reference to the subject under enquiry, were before your committee.

The accounts before the committee present the novel fact of an expenditure, by the secretary of state, of a larger amount for state purpose, than was appropriated by the legislature.

The appropriations for the several objects amount to		$5,600 00
Amount expended by the secretary,		7,214, 73
Excess over appropriation,		$1,614 73
The am't expended as per vouchers,	$7,214 73	
Deduct $5,600 appropriation, and $840 61 collected	6,440 61	
Leaves a balance of		$774 12

From this showing, the secretary seems to have expended $774 12, more than the amounts coming to his hands by the appropriations and amounts collected by him, on the notes, etc., as above stated.

From these facts, your committee are led to the belief, that many of the vouchers were for money expended under former appropriations, and therefore can make no showing, in regard to the appropriations under considarotion.

Without expressing an opinion upon the facts set forth, your committee will here state, that such an irresponsible system of expenditure of the public money by state officers, is detrimental to the interests of the state, and incompatible with the wise and judicious system that should be adopted by all well regulated governments. They therefore, recommend the passage of a law requiring all moneys appropriated by the General Assembly, to be paid on the certified vouchers of the officers under whose direction they have been expended, to the Auditor, who shall issue warrants on the Treasurer for the same; and that all accounts for moneys expended, under appropriations by the General Assembly, be kept in the Auditor's office.

All of which is respectfully submitted.

CLARKE, *Chairman.*

Which report was read and received.

On motion of Mr Huey, the reprt was laid on the table for the present.

No. 104. Mr Billingsley, on leave, introduced a bill, to be entitled "an act to increase the compensation of the land attorney and state collector."

Which was read a first time.

On motion of Mr Billingsley the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Billingsley, the bill was referred to the committee on public lands.

No. 105. Mr Fletcher, on leave, introduced a bill, to be entitled "an act for the relief of Alexander George, agent of the Arkansas penitentiary."

Which was read.

Mr Fletcher also presented an account on which the bill was founded, for $218 00 for work and labor done and materials furnished.

Which was read.

On motion of Mr Fletcher, the rules of the Senate were dispensed with, and the bill read a second time.

And on further motion of Mr Fletcher the bill was referred to a select committee, consisting of Messrs Fletcher, Underhill and Poindexter.

On motion of Mr Huey, senate bill No 83, reported by the committee on public expenditure, on the 9th inst., entitled "an act to bppropriate two hundred dollars for furnishing the executive chamaer," was taken up, and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Chapman was called to the chair.

House bill No. 73, to be entitled "an act for the relief of the securities of James M. Bowden, as collector of revenue of White county, for the year 1851," was read, as amended, a third time and passed.

House bill No. 192, to be entitled "an act for the benefit of James T. Hawk," was read a first time.

On motion of Mr Izard, the rules of the senate were dispensed with, and the bill read a second time.

Mr Poindexter moved to amend the bill, by adding, after the word, 'merchandize,' in the 6th line of the 1st section, the words, 'spiritous liquors excepted."

Which amendment was adopted.

Mr Izard moved that the rules of the senate be again dispensed with, and the bill read a third time.

Which motion, upon a division was lost.

On motion of Mr Underhill, the bill was referred to the committee on the judiciary.

On motion of Mr DeShongh, the senate adjournded.

THOMAS B. HANLEY, *President.*

Thursday, Dec. 16th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names.,

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Hawkins, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the governor by R. H. Johnson, his excellency's private secretary.

Mr President:

I am instructed by the governor to report to the senate, that on the 15th December, 1852, he approved and signed, "an act for the relief of Alfred Cabler."

R. H. JOHNSON,
Private Secretary.

Mr Berry, on leave, introduced the following

PREAMBLE AND RESOLUTION:

WHEREAS, It is apprehended that great loss will be sustained by the state, by the passage of a bill, originating in the senate, entitled "an act for the relief of certain persons who had contracted to purchase lands from the state; Therefore,

Be it resolved, That the committee on the judiciary, be instructed forthwith, to enquire into the matter, and if it shall be found, that said bill will operate prejudically to the interest of the state, that they report forthwith, what steps, if any, can be taken to prevent the apprehended injury to the state.

Which was read and adopted.

Message from the house of representatives, by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 67, to be entitled "an act to authorize Rebecca Daniel to sell certain real estate;" also, to senate bill No. 80, to be entitled "an act to incorporate the Van Buren maufacturing company;" also, senate bill No. 61, to be entitled "an act to provide more fully for the elction of commissioners to sell or lease the 16th sections in congressional townships Nos. 9, 10, 11 and 12, north of range No. 29 west;" also, to senate bill No. 32, to be entitled "an act to amend the 1st section of act creating the county of Calhoun;" also, to senate bill No. 97, entitled "an act to make an addition to the city of Van Buren."

All of which are herewith returned.

The House of representatives have concurred in the amendment of the senate to house bill No. 118, entitled "an act to repeal an act passed by the last General Assembly, and approved January 18th, 1851;" also, the amendment of the senate to house bill No. 179, entitled "an act for the relief of John Havis and John J. Hammit, late sheriffs of the counties of Jefferson and Bradley."

The house of representatives have passed house bill No. 124, to be entitled "an act to incorporate the Boston male and female academy, in Franklin county;" also, house bill No. 179, to be entitled "an act to authorize the counties of Carroll and Conway to procure field notes and maps of the lands in each county;" also, to house bill No. 205, to be entitled "an act to place that part of the United States' road which passes through the county of Izard under the jurisdiction of the county court of said county;" also, to house bill No. 218, to be entitled "an act for the relief of certain minor heirs;" also, house bill No. 222, to be entitled an "act to constitute Frances Spence a *feme sole;*" also, house bill No. 223, to be entitled "an act to legalize the sale of real estate sold by William Anderson, guardian, &c;" also, house bill No. 238, to be entitled "an act for the benefit of the heirs of L. C. Quinn;" also, house bill No. 250, to be entitled "an act for the relief of the heirs of Mary Black, deceased;" also, house bill No. 251, to be entitled "an act to change the name of Rebecca Irwin to that of Rebecca Irwin Butterworth;" also, house bill No. 253, entitled "an an act to incorporate the town of Monticello, in Drew county;" also, house bill No. 228, entitled "an act compelling the internal improvement commissioner of Ashley county, to loan out the fund or pay interest thereon;" also, house bill No. 257, to be entitled "an act for the relief of the heirs at law of John Howell, deceased;" and "an act to define specifically the law governing the management and disposition of section 16, in township 13 north, of range 6 west.

All of which are herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Clarke, Mr Lemoyne was added to the committe on public lands.

On motion of Mr Clarke, the resolution of the house of representatives, instructing our senators, and requesting our representative in Congress to use all diligent means to procure the passage of an act of Congress, donating to the citizens of township 8 north, of range 32 west, all that portion of Government land, bound as follows, to-wit: beginning at a point on the north boundary line of government land, due south from the most westerly corner of block No. 29, in the city of Fort Smith; thence due south to the middle line of section 17, township 8 north, range 32 west; thence east to the west boundary of section 16; thence north to that point on the west line of section 16, from which the line of 54 degrees west, diverging to the Arkansas river; thence with said line to the place of beginning, and containing about 52 acres, in lieu of damages done by the government on the 16th section, in said township and range, was taken up and read a first time.

On fnrther motion of Mr Claike, the rules of the senate were dispensed with, the resolution taken up, read a second time, and concurred in.

Nr Bozeman introduced the following

RESOLUTION:

Resolved, That the judiciary committee be requested to enquire into the expediency of amending chapter 152 of the revised statutes of Arkansas, under the head of 'slander,' so as to more fully fix the amount of fine and penalty; and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr Ellis, the rules of the senate were dispensed with, and senate bill No. 90, to be entitled "an act to appreciate the value of the swamp and overflowed land," taken up, and the report of the committee of internal improvements, recommending the striking out of the second section of the bill read.

On motion of Mr Hampton, the rules of the senate were dispenspensed with, and the bill read a second time.

And on further motion of Mr Hampton, the bill was referred to the committee on internal improvements.

On motion of Mr Hampton, Mr Harley was added to the committee on internal improvements.

House bill No. 246, to be entitled "an act to incorporate the Batesville academy," was read a first time.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Berry, the bill was referred to the committee on education.

House bill No. 240, to be entitled "an act for the relief of Carroll county," was read a first time, and ordered to a second reading on to-morrow.

The joint resolution of the senate, reported by the committee on public printing, on yesterday, directing the secretary of state to select for publication, in the "Arkansas Whig," such laws of a general character, passed at the present sesion of the General Assembly as require publication before the pamphlet acts are published, was, on motion of Mr Clarke, taken up out of its order, read a second time, and adopted.

Mr Clarke introduced the following

RESOLUTION:

Resolved, That the secretary be instructed to transmit to the house of representatives the report of the committee on public printing, with the joint resolution on the subject contained in said report,

Which was read and adopted.

House bill No. 102, to be entitled "an act to amend the 121st chapter of the Diges of the statutes of Arkansas, under the head of Penitentiary," was read a first time.

On motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

Mr Fletcher moved a further suspention of the rules, in order to read the bill a third time.

Pending which, the bill was, on motion of Mr Chapman, laid on the table until to-morrow.

On motion of Mr Clarke, the rules of the senate were dispensed with, and senate bill No. 96, to be entitled "an act to confirm the sale of section 16, township 8 north, range 32 west," was taken up, read a third time, and passed.

On motion of Mr Fletcher, house bill No. 250, to be entitled "an act for the relief of the heirs of Mary Black, deceased," was taken up, and read a first time.

On further motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

Mr Fletcher offered the following amendment:

Sec. 2. That this act shall be in force from and after its passage.

Which was read and adopted.

On further motion of Mr Fletcher, the rules of the senate were again dispensed with, the bill, as amended, read a third time, and passed.

On motion of Mr Izard, senate bill No. 103, to be entitled "an act for the relief of Wm. A. Neely, of Poinsett county, and to authorize him to sell certain lands, as guardian," was taken up, read a third time, and passed.

On motion of Mr Huey, the report of the select committee, made on yesterday by Mr Clarke, in relation to the disbursement of certain moneys by the secretary of state, was taken up.

On further motion of Mr Huey, 100 copies of the report were ordered to be printed.

No. 107. Mr Ellis, on leave, introduced a bill, to be entitled "an act for the relief of William Daniel."

Which was read a first time.

On motion of Mr Ellis, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Ellis, the rules of the senate were dispensed with, the bill read a third time, and passed.

The joint resolution of the house of representatives, instructing our senators and requesting our representative in Congress, to use their best efforts, to increase the mail service from weekly to semi-weekly trips, on route No. 5955, from Clarksville to Carrollton, was read a second time, and concurred in by the senate.

House bill No. 238, to be entitled "an act for the benefit of the heirs of L. C. Quinn, deceased, late of Franklin county, Arkansas," was read a first time.

Mr Rose was called to the chair.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

The bill was ordered to a thirding on to-morrow.

House bill No. 218, to be entitled "an act for the benefit of Shadrack, Sampson, Joel, James and David Dickinson, of Clarke county, Arkansas, minor heirs," was read a first time.

On motion of Mr Bozeman, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Bozeman, the bill was referred to a select committee, consisting of Messrs Bozeman, Hawkins and Poindexter.

Mr Lemoyne, from a select committee, made the following

REPORT:

Mr President:

The special committee, to whom was referred a bill, entitled "an act authorizing Almira Hundley, administratrix of Joel Hundley, deceased, to sell the negroes of her intestate at private sale," have had the same under consideration, and upon letters, proof, and testimony of witnesses, have found that it is proper that said bill should be enacted, and the committee have accordingly advised me to report the same back to the senate, and recommend its passage. All of which is respectfully submitted.

LEMOYNE, *Chairman.*

Which report was read and received.

House bill No. 222, to be entitled "an act to constitute Frances Spence a *feme sole,*" was read a first time.

On motion of Mr Bozeman, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Bozeman, the bill was referred to a select committee, consisting of Messrs Bozeman, Harley and Burrow.

House bill No. 216, to be entitled "an act to revive portions of the 145th chapter of the Digest of the statutes of Arkansas, under the head of schools and school lands," was read a third time and passed.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined "an act to incorporate the town of Waldron, in Scott county," and instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr Davidson, from the joint standing committee on the penitentiary, made the following

MAJORITY REPORT:

Mr President:

The joint committee of the two houses, on the penitentiary have been laboriously engagaged in investigating the several subjects referred to them in connection with that institutoin, and have directed me to report—

1st. That upon examination they find the walls which surround the penitentiary houses to consist of plank, which, by exposure for a series of years, to the weather, are now so far decayed as to be almost entirely useless. The keeper does not rely upon the walls to secure the custody of the convicts, but upon muskets of the guards which he has constantly in his employment, and upon the good will of the prisoners, whom he is compelled to conciliate by kindness, flattery and persuasion. From this state of facts it follows, necessarily, that no keeper will undertake to compel the convicts to labor. They are, therefore, fed, clothed and sheltered by the keeper, who allows them to do such labor as they are disposed to do voluntarily, whilst he receives from the state, for each prisoner, a per diem allowance in money, sufficient to feed, clothe, shelter and guard them. This per diem pay to the prisoners amounts, if your committee be correctly informed, to about five hundred dollars per month, or six thousand dollars annually.

Your committee learned, with astonishment, that when the present keeper took possession of the penitentiary buildings and convicts, there was no register showing the names, crimes and sentences of the prisoners, nor any code of rules and regulations, but that the dilapidated buildings and miserable convicts, scattered here and there in the midst of the ruins, constituted the penitentiary when it came into his possession.

Your committee were instictively led to inquire what sum had been expended by the state to put up and maintain such a sorrowful institution.

By reference to the annexed statement, made out by the auditor, marked 'A.,' it will be seen that from the 13th day of December, 1838, down to this time, there has been expended $124,588 00, besides $3,000 which appears by the report of the inspectors to Mr. Allis, under a recent contract to rebuild the walls of the penitentiary. From all that your committee have learned in the premises, they do not doubt but that there has been expended, in round numbers, the sum of 150,000 00 by the state, in building and maintaining the penitentiary, since the 13th December, 1838; and your committee consider that the whole property, houses, buildings, walls, etc., together with the lot of land upon which they are situated, could not be sold for $10,000 00. If, then, the estimate of your committee be nearly correct, it will appear that the state has expended one hundred and forty thousand dollars over and above what ought to have been expended, and fourteen times as much as all the property is worth which has been created, purchased and acquired.

Your committee have enquired, in the next place, what sum would most probably be required to re-build the walls, and erect suitable workshops on the penitentiary grounds. In accordance with an act of the legislature passed two years ago, the rebuilding was let to contract, and taken at the sum of fifty-eight thousand dollars, but has already been abandoned by the contractor. We conclude therefore, that the sum of fifty-eight thousand dollars will not be sufficient, and that a greater sum will have to be paid. In 1838 twenty thousand dollars were appropriated and adjudged sufficient to erect and prepare all suitable fixtures for a penitentiary and prison house, and your committee believe it to be twice as much as all the buildings are worth. Two years afterwards forty thousand five hundred dollars more were appropriated for the same purpose; and again, from time to time, until the enormous sum heretofore mentioned has been used and consumed. If then, we learn by experience, and judge the future by the past, it will not be difficult to see that the fifty-eight thousand dollars, which the last contract for rebuilding was taken at, will only be a beginning; the first moth hatched in the treasury, whose brood will increase to such an extent as to exhaust and consume the revenues of the state for years to come.

If by commencing with $20,000 in 1838, we have up to this thus expended $150,000, what will we expend in fourteen years more, by commencing now anew with $58,000? A plain rule of calculation will demonstrate that we need not hope to get off with much less than a half a million of dollars. And when we reflect that our treasury is bankrupt, and that we shall be compelled to sell the bonds of the state, at 20 or 30 cents in the dollar, to procure the necessary means to operate with, it is easy to be seen that we may soon be indebted between one and two millions of dollars on account of Penitentiary buildings.

Your committee believe it would be a suicidal policy to undertake to raise money on state bonds to rebuild the penitentiary, and that it would involve sacrifices and reckless losses, which prudence admonishes the state to avoid. But how shall we rebuild without money? The treasury is known to be bankrupt, and the taxes already so high as to be the cause of general complaint in the community, are still insufficient to defray the ordinary expenses of the government.

Our present condition, then, no less than our past experience, seriously admonishes us not to undertake to rebuild the penitentiary at present. So soon, however, as this conclusion is arrived at, an outcry is heard about the convicts—what is to be done with the prisoners?

This question deserves consideration, and has been duly weighed by your committee.

Psuedo-moralists and pharisee-lawyers, prate much about mild punishment and merciful treatment towards criminals, whilst the tendency of their doctrine only increases crime in the land. Should such a penitentiary be erected as is dictated by the false philanthropy of this school of statesmen, the immense taxes which would have to be paid by the people, might make the condition of the honest citizen who resides in the country, that of a slave, whilst the convict lived in splendor upon the earnings of the honest.

The principles of self preservation, clothes the honest part of the community with power to provide for themselves first, and judgment and discretion dictates that they should use the power to promote their own happiness, in place of mortgaging their lands and making themselves "slaves," to erect splendid buildings for the entertainment of *theives.*

In addition to this, necessity is a plea which admits of no reply. The state is required to dispose of the convicts in some way, and it remains only to inquire in what way this can be done.

Your committee respectfully suggest that the convicts be put to work on the levee and roads. It is believed that their labor could be made a source of revenue to the state. The guards which are now employed could, with the same muskets, control them, as well in chain gangs on the levees, as they do in the midst of the ruins where they are now stationed.

Your committee are not properly advised as to whether the *con-*

victs now in the penitentiary could be *legally* required to labor outside of the penitentiary, but presume that the law making power has the right to erect *shantees* on the river bank, and declare them state prisons and penitentiary houses, into which it would be legal to place such convicts as are now in the old penitentiary houses.

Should your committee be wrong in this position, then they recommend that such convicts as have been condemned heretofore be pardoned, upon condition that they leave state; not to return again within its borders. From this general emancipation, a limited number of the most wicked convicts might be excepted; and confined in the county jails, until such time as the state becomes able to build a penitentiary.

Your committee suggest that such changes be made in the general code as may be necessary in order to carry out their views in this connection. A slight change in the phraseology of the statutes would be sufficient. That change should require the criminal who has been found "guilty," to be sentenced to labor in the chain gang, or on the levees, in place of the state prison and penitentiary house.

Should the ideas hereinbefore advanced be deemed impracticable, then it would be well to consider the propriety of making an arrangement with some neighboring state in which there is a penitentiary in practical operation.

It is believed such arrangement might be made advantageously to this state, and not unprofitably to the state where the penitentiary is in practical operation, by virtue of which criminals might be disposed of at but little cost to our state.

Year after year must elapse, and the resources of the country be greatly developed, and our revenues much increased, before we shall be able to undertake the building of a penitentiary. The present penitentiary buildings, and the lot of ground upon which they stand, therefore, should be sold to the highest bidder, for cash; and the proceeds placed in the treasury.

All of which is respectfully submitted.

W. B. MARSHALL,
Chairman of the House of Representatives.
W. E. DAVIDSON,
Chairman of the Senate, pro, tem.

A STATEMENT,

Showing the whole amount of appropriations made and expended on account of building and rebuilding the penitentiary,—for keeping convicts; and also the amount paid by the state to contractors on account of convicts being pardoned, and all other expenses to the state growing out of the penitentiary, in any way:

Under what Acts Appropriated.	*Amounts appropriated.*	*Amounts Expended.*
An act establishing a penitenteary, for purchasing a site, and erecting thereon a penitentiary, approved 13th December, 1838,	$20,000 00	$20,000 00
An act to pay for labor done and now under contract, to complete the penitentiary, approved 28th December, 1840,	40,500 00	40,500 00
An act to pay balances due on account of the penitentiary, approved 3d February, 1843,	5,069 36	5,069 36
An act regulating the discipline of the penitentiary, approved 17th December, 1838,	5,000 00	5,000 00
An act to pay officers and contingent expenses of the penitentiary, approved 3d February, 1843,	4,500 00	4,500 00
An act to pay officers and contingent expenses of the penitentiary, including arrearages due, approved 10th January, 1845,	5,500 00	5,500 00
An act to provide for the wants of the penitentiary convicts, approved 30th November, 1846,	250 00	250 00
An act to pay officers and contingent expenses of the penitentiary, including arrearages due, approved 23d December, 1846,	5,616 30	5,616 30
An act to rebuild the penitentiary, approved 23d December, 1846,	10,000 00	10,000 00
An act in relation to the penitentiary house of this state, to carry into effect the provisions of said act of 10th January, 1849,	5,000 00	5,000 00

Under what Act Appropriated.	*Amounts appropriated.*	*Amounts Expended.*
An act to pay all claims on account of the penitentiary, approved 10th January, 1849,	$3,000 00	$1,920 45
Paid Jacob Waltman, as clerk of penitentiary, (special)	69 11	69 11
Paid Dr. R. A. Watkins, as physician of penitentiary, (special)	400 00	400 00
Paid John Robins, superintending brick yard, (special)	467 88	467 88
Paid Philo Howell, for leather furnished the penitentiary,	154 85	154 85
Paid J. H. Hammack, by act approved 11th January, 1851,	1,013 24	1,013 24
An act to pay contractor of the penitentiary, approved 11th January, 1851.	12,000 00	3,000 00
Paid J. H. Hammack, from contingent fund,	127 00	127 00
Paid Dr. Cantrell, from contingent fund, as physician,	30 00	30 00
Paid H. B. Allis, from contingent fund, for keeping convicts,	157 85	157 85
Paid Alexander George, from contingent fund, for keeping convicts,	2,759 05	2,759 05
An act to reimburse George Brodie, late keeper of the penitentiary,	7,647 91	7,647 91
Paid for bringing convicts to the penitentiary, about	5,000 00	5,000 00
Paid for printing done for and on account of the penitentiary, about	400 00	400 00
	$134,662 55	$124,589 00

Which report was read.

Mr Davidson moved that 100 copies be printed for the use of the senate.

Mr Harley moved to lay the bill on the table.

But before the question was taken, he, at the request of senators, withdrew his motion, when the question was taken on Mr Davidson's motion to print 100 copies, and it prevailed.

On motion of Mr President, the vote taken on printing 100 copies of the report was reconsidered On motion of Mr Hampton, 500 copies of the report was ordered to be printed.

And on further motion of Mr Hampton, 400 copies of the minority report, made to the senate on Tuesday last, the 14th instant, was ordered to be printed, in addition to the 100 copies already ordered.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have this day delivered to the governor for his approval, "an act to incorporate the town of Waldron," and instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Chapman the senate adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President.*

Friday, Dec. 17th, 1853.

Senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Hampton, Harley, Harrison, Hawkins, Huey, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—23.

Prayer by the Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the house of representatives, by the clerk:

Mr President:

I am instruct to present for your honor's signature, "an act to for the benefit of township 19 south, range 1 west, Chicot county;" "an act to constitute Maria Gertrude Buchanan on the legal heirs of Sterling C. Buchanan;" "an act for the relief of John A. Harvick, sheriff of Monroe county;" "an act for the relief of James

Buchanan;" also, "an act for the relief of C. C. Straughan, sheriff of Lawrence county."

J. H. HOBBS,
Clerk of the House.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have concurred in the joint resolution of the senate in regard to the rescinding of a resolution, fixing the 18th of this month as the time for the two houses to adjourn *sine die.*

Which is herewith returned.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Hampton the vote taken on yesterday, on the passage of house bill No. 216, to be entitled "an act to revive portions of the 125th chapter of the Digest of the statutes of Arkansas, under the hdad of Schools and School Lands," was reconsidered.

On further motion of Mr Hampton, the vote taken ordering the bill a third reading, was reconsidered.

On motion of Mr Henson, the words, 'Hot Spring,' in the 1st and 2d sectins of the bill were stricken out.

On motion of Mr Hampton, the rules of the senate were dispensed with, the bill read a third time, and passed.

It was then returned the house of representatives.

Mr Berry was called to the chair.

Mr President presented the petition Wm. H. Harris, representing that he is the husband of Mary Harris, deceased, late of Monroe county; that the deceased execnted, before her death, her last will and testament, in which she appointed her son, Wm. T. O. Harris, her executor; that, in consequence of an existing statute, disabling married women from making a will, except upon conditions, the existence of which was unknown to any of the party interested—the will could not be probated, and carried into effect, that the effects of the deceased were disposed of in the best manner calculated to raise and educate her children, and praying the passage of an act, enabling the executor to carry into effect said will,

Which was read.

Mr President, at the same time presented the will of said deceased.

Which was also read.

No. 108. Mr President, on leave, introduced a bill, to be entitled "an act to legalize the will and testament of Mary Harris deceased."

Which was read a first time.

On motion of Mr President the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr President, the bill was referred to the committee on the judiciary, together with the petition, will and letters of administration.

On motion of Mr Billingsley, senate bill No. 95, to be entitled, "an act to authorize Thomas J. Evans and William A. Ball, their heirs or assigns, to establish and keep a ferry across tce Mississippi river, at or near Helena," was taken up, read a third time, and passed.

Mr President resumed to chair.

On motion of Mr Clarke, the rules of the senate were dispesned with, and house bill No. 257, to be entitled "an act for the benefit of the heirs at law of John Howell, deceased, late of Crawford county, Arkansas," taken up and read a first time.

On further motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And on futher motion of Mr Clarke, the rules of the senate were again dispensed with, the bill read third time ,and passed.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined "an act to confirm certain sales;" also, "an act to provide more fully for the election of commissioners to sell or lease the 16th section, in congressional townships 9. 10, 11 and 12, of range No. 29 west;" also, "an act to amend the 1st section of an act creating the county of Calhoun," and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Message from the house of representatives, by the clerk.

Mr President:

I am instructed to present for your honor's signature, "an act to incorporate the town of Jacksonport;" "an act to establish the county of Calhoun;" "an act to repeal an act passed at the last General Assembly, approved January 1st, 1051;" "an act for the relief of John Havis, late sheriff of Bradley county; also, for the relief of John J. Hammett, late sheriff of Jefferson county;" "an act to legalize the sale of the 16th section, in township 8 south, of range 30 west, in the county of Sevier.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Fletcher, house bill No. 102, to be entitled "an act to amend the 121st chapter of the Digest of the statutes of Arkansas, under the head of Penitentiary," was taken up, read a third time, and passed.

On motion of Mr Miller, house bill No. 238, to be entitled, "an act for the benefit of the heirs of L. C. Quinn, deceased, late of Franklin county," was taken up, read a third time, and passed.

Mr Davidson, from the committee on counties and county lines, made the following

REPORT:

Mr President:

The committee on counties and county lines, to whom was referred the petition of sundry citizens of Conway county, praying to be attatched to the county of Pope, have had the same under consideration, and have instructed me to report the same back to the senate with the accompanying bill, and recommend that the same be passed.

DAVIDSON, *Chairman.*

No. 109. The bill accompanying the above report, to be entitled "an act to attatch a portion of Conway county to the county of Pope," was, on motion of Mr Davidson, taken up and read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

It was then ordered to a third reading on to-morrow.

Mr Lemoyne, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred house bill No. 188, in regard to assessing and collecting taxes, have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

LEMOYNE, *Chairman.*

Which report was read and received.

Mr Chapman, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred house bill No. 169, to be entitled "an act to change in part, the time of holding the circuit courts in the 3d judicial circuit in this state," have had the same under consideration, and ask leave to report the same back, and respectfully ask the passage of the bill.

CHAPMAN, *Chairman.*

Which report was read and received.

No. 110. Mr Ellis, on leave, introduced a bill, to be entitled "an act for the relief of William Peveyhouse, sheriff and collector of Green county."

Which was read a first time.

On motion of Mr Ellis, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Ellis, the rules of the senate were dispensed with, the bill read a third third time, and passed.

On motion of Mr Harley, House bill No. 188, to be entitled "an act to facilitate the convenience of assessing and collecting taxes," was taken up, and read a third time.

Mr Underhill offered the following amendment, by way of rider:

Provided, That the counties of Crittenden and Mississippi shall be exempt from the provisions of this bill.

Which was read a first and second time, and adopted.

Add the following provisions to the 3d section of said bill:

Provided, That each and every tax-payer in this State shall be allowed five days after the day advertised by their respective sheriffs, in which to call on their said sheriff and give a list of their property, or pay the tax on the same, before they shall be subject to the fines imposed by sections 2d and 3d of this act.

Which amendment was read.

Mr Harley moved to lay the amendment on the table indefinitely, on which motion Mr Huey called for the yeas and nays which being sustained, were ordered.

Yeas.—Messrs Bozeman, Chapman, DeShongh, Ellis & Huey—5.

Nays.—Messrs Berry, Billingsley, Davidson, Fletcher, Hampton, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

So the amendment was not laid on the table.

The amendment was then read a second time and adopted.

The bill as amended was then passed.

No. 111. Mr Davidson, on leave, introduced a bill to be entitled "an act to provide for the impeachment of sheriffs, constables, internal improvement commissioners, clerks of the circuit, county and probate courts, and other inferior officers in this state."

Which was read a first time.

On motion of Mr Davidson, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Davidson, the bill was referred to the committee on the judiciary.

On motion of Mr Henson, senate bill No. 100, to be entitled "an act to adopt William Callison, and make him the heir of David G. Hughes," was taken up and read a second time.

And, on motion of Mr Harley, the rules of the senate were dispensed with, the bill read a third time and passed.

House bill No. 228, to be entitled "an act compelling the internal improvement commissioner of Ashley county to loan out the fund he holds as such commissioner," was taken up and read a first time.

On motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Harrison, the bill was referred to a select committee, consisting of Messrs Harrison, Clarke and Huey.

Mr Billingsley was called to the chair.

House bill No. 124, to be entitled "an act to incorporate the Boston Male and Female Academy in Franklin county," was read a first time.

On motion of Mr Miller the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Miller, the rules of the senate were again dispensed with, the bill read a third time and passed.

On motion of Mr Fletcher, house bill No. 251, to be entitled "an act to change the name of Rebecca Erwin, to Rebecca Erwin Butterworth, and constitute her a legal heir of Thomas Butterworth and his wife," was taken up and read a first time.

On further motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Fletcher, the rules of the senate were again dispensed with, the bill read a third time and passed.

On motion of Mr Mitchell, house bill No. 240, to be entitled "an act for the relief of James J. Wilburn, late sheriff of Carroll county,"was taken up and read a second time.

And, on further motion of Mr Mitchell, the rules of the senate were dispensed with, the bill read a third time and passed.

House bill No. 169, to be entitled "an act to change in part the time of holding the circuit courts in the third judicial circuit," was read a third time and passed.

House bill No. 236, to be entitled "an act to change the time of holding the county and probate courts of Monroe county," was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr President, the rules of the senate were dispensed, and the bill read a third and passed.

House bill No. 253, to be entitled, "an act to incorporate the town of Monticello, in Drew county," was read a first time.

On motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Harrison, the rules of the senate were dispensed with, the bill read a third time and passed.

House bill No. 205, to be entitled "an act to place that part of the United States' road that passes through Izard county, under the jurisdiction of the county court of said county," was read a first time, and ordered to a second reading on to-morrow.

House bill No. 248, to be entitled "an act to provide for the organization of the militia when called out to suppress insurrections," was read a first time, and ordered to a second reading on to-morrow.

House bill No. 232, to be entitled "an act to change the time of holding the county and probate courts of the counties of Montgomery, Searcey and Newton," was read a first time.

On motion of Mr Mitchell, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Bozeman, the rules of the senate were again dispensed with, the bill read a third time and passed.

House bill No. 223, to be entitled "an act to authorize William Anderson to sell certain real estate," was read a first time.

On motion of Mr Bozeman, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Bozeman, the bill was referred to a select committee, consisting of Messrs Bozeman, Huey and Mitchell.

House bill No. 263, to be entitled "an act to define specifically the law governing the management and disposition of section 16, in township 13, north of range 6 west," was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Poindexter, the senate adjourned until to-morrow morning, 10 o'clock.

THOMAS B. HANLEY, *President.*

Saturday, Dec. 16th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names.

Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Harrison, Harley, Hawkins, Henson, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose, and Mr President—22.

On motion of Mr Harley, leave of absence was granted to Mr Hampton, for an indefinite period.

On motion of Mr Billingsley, leave of absence was granted to Mr Maxwell.

On motion of Mr Izard, leave of absence was granted to Mr Underhill, who was absent on account of the severe indisposition of Hon. J. A. Lovejoy, the representative from Crittenden county.

Prayer by Rev. A. R. Winfield, chaplain.

Message from the governor by R. H. Johnson, his excellency's private secretary.

EXECUTIVE OFFICE,
Little Rock, Ark., 18th Dec., 1852.

To the Hon. T. B. Hanley,
President of the Senate:

Sir: A bill, entitled "an act for the relief of certain persons who have contracted to purchase lands from the state," is herewith returned to the senate, with my objections to its becoming a law. It would cancel and annul obligations in favor of the seminary fund, upon which the state has obtained judgments, amounting, in the aggregate, principal and interest, on the first day of December, 1852, to fifty-four thousand seven hundred and fifty-two dollars, or about that amount. I send herewith the statement of Mr E. Cummins, late land attorney, (which he kindly furnished me,) showing the present condition of these judgments. Before, but not since his resignation as land attorney, Mr Cummins attended to these cases on behalf of the state.

I also send a communication from the present land attorney, on the same subject. These judgments were obtained on bonds, executed by persons who purchased of the governor of the state floating claims to seminary lands, subject to be located by them, as expressly stated in the certificate of purchase, granted by the governor, (as will be seen by a copy of one of the certificates, herewith transmitted,) "upon any public lands in the State of Arkansas, belonging to the United States, under such rules and restrictions as are prescribed by the acts of Congress, and the legislature of this state, at any of the land offices in the state of Arkansas." By reference to this certificate, it will be seen that the acts of Congress making the grant, and prescribing the manner in which the seminary lands are to be selected, or located, as well as the act of the General Assembly of this state, authorizing the governor to sell these floating claims, are all designated and referred to by titles and dates of approval, so as fully and plainly to show to the purchaser the laws on the subject of the grant, sale and mode of location. This certificate is dated August 14th, 1842. I also send herewith copies of certain letters written to Gov. Yell, on the subject of these floats, before they were sold by the governor to the writers of the letters. One of these letters is dated 20th June, 1842, and in that letter it is stated, "the law requires that the location shall be made in tracts, not less than six hundred and forty acres, as I have located that number of acres. I can also legally locate adjoining any number of acres less than 640 acres."

This shows that the writer was aware of the provisions of the laws under which he afterwards purchased, and that he was not, in that respect, misled by the act of the legislature, or by the governor, who, under the act, sold the floats. The state did not sell any particular tracts of lands, but the floating claims; and if the holders will locate their claims in accordance with the laws, rules and restrictions referred to in their certificates of purchase, the locations will, of course, be confirmed, and the state can make title to them; but if the holders of the certificates make illegal locations, it cannot be expected that such locations would be confirmed, or that the state could make title in such cases.

I transmit herewith a communication of the land agent, showing that no part of the 72 sections of land granted to this state for seminay purposes, and not confirmed, has been sold since the act of 23d December, 1846, entrusting the sale of these lands to the land agent. The bill which I returned to the senate, therefore, in referring to unconfirmed seminary lands sold, applies only to those floating claims; and annuls the contracts, and releases the purchasers from the liability existing against them, without showing plainly that that was the object of the bill. Indeed, the bill is so worded, as to be misunderstood by almost any one, without strictly observing the language, and then applying it to the cases in question. It will be seen by the communication of the land agent, to which I have before referred, that certain lands were sold as part of the grant of 500,000 acres, which have not been confirmed to the state.

So far as the bill relates to lands sold as parts of this grant, but not confirmed to the state, I deem it objectionable. In order that the General Assembly may act with such information as I now communicate before them, I submit the bill for their consideration.

I have the honor to be,

Most respectfully,

Your obedient servant,

ELIAS N. CONWAY.

Little Rock, Ark., Dec. 16th, 1852.

Dear Sir: In response to your note, of this date, I have to say, that the state recovered the following judgments, at the dates mentioned, to wit:

No. 1. 23d Nov., 1847, *vs.* Richard Pryor, John W. Paup and James Trigg, $6,119 44.

No. 2. 23d Nov., 1847, *vs.* James Trigg, Richard Pryor and John W. Paup, $10,709 10.

No. 3. Nov. 1st, 1847, *vs.* Richard Pryor and John W. Paup, $6,043 34.

No. 4. Nov. 1st, 1847, *vs.* James Trigg, John W. Paup and Richard Pryor, $3,032 25.

No. 5. Nov. 1st, 1847, *vs.* John W. Paup, $3,847 47.

No. 6. April 20th, 1848, *vs.* John W. Paup, $,085 71.

No. 7. Nov. 1st, 1847, *vs.* Richard Pryor, John W. Paup and James Trigg, $3,032 25.

Two separate bills in chancery were filed in Pulaski circuit court, enjoining the collection of all these judgments, except No. 1, and except, also, the price of one section of land, at $6 12 1-2 per acre, and interest, embraced in judgment No. 2, and judging a conciliation of the contract with the state for the purchase of the lands, except the two sections—one embraced in judgment No. 1, and the other in No. 2. These suits were decided in the courts below against the state; and on removal, by appeal to the supreme court, the decree below was affirmed, in one of the cases, and the other is still pending. The principles adjoined in the case already decided will, no doubt, control the other case, as the grounds for relief in both cases are nearly, if not quite, identical.

The residue of these judgments—the whole of No. 1, and $6,060 of No. 2—were tendered to the state in Arkansas state bank paper, which was refused; and upon the question as to the sufficiency of this tender, the cases were removed from the supreme court of this state to the supreme court of the United States, and were there decided in favor of the state, that is, against the legality of the tender. Since these proceedings were had, the parties, supposing themselves released in toto from the payment of any part of these judgments, and warranted in cancelling the entire contracts with the state, by the principles settled by the supreme court in the first mentioned chancery case, have filed a bill to enjoin the residue of judgment No. 2, and to be released from the contract of purchase. This suit has been but recently instituted, and has not been tried. The judgment No. 1 is believed in every respect to stand on the same footing with the residue of judgment No. 2, enjoined by the last suit, though no injunction has been obtained as to that, or other steps taken therein, since the decision of the supreme court of the United States. These demands all arose from sales of seminary lands.

Your obedient servant,
E. CUMMINS,
Late Land Attorney, &c.

To his Excellency, E. N. CONWAY, Present.

Little Rock, Dec. 17th, 1852.

Sir: In reply to your note of this date, calling upon me for such information in regard to certain law suits, in favor of the state, againt Paup and others, for the collection of money due the seminary fund, as has transpired in relation to said suits since I have had the office of land attorney, I have to say, that as these suits had been argued and submitted to the courts for their adjudication by E. Cummins, Esq., one of my predecessors in office, my official connection with them has necessarily been very limited. Judgments at law were obtained in the Pulaski circuit court, in said suits, in the years 1847 and 8. Whereupon, two separate bills in chancery were filed in the said court, for the enjoining of the collection of all said judgments, except one which was rendered 23d Nov. 1847, against R. Pryor, John W. Paup and James Trigg, for $6,119 44, and except, also, the price of one section of land, at $6 12 1-2 per acre, and interest, embraced in a judgment for $10,709 10, rendered on 23d Nov., 1847, against James Trigg, Richard Pryor and John W. Paup. These suits were decided in the court below against the state.

Whereupon, appeals were taken to the supreme court, by E. Cummins, Esq., then land attorney, and in that court the judgment of the court below has been affirmed in one of the cases; and the other, involving the same principles and defences, is still pending in said court, it having already been argued and submitted for adjudication. The amount of the residue of these judgments, to-wit: the judgment rendered 23d Mov., 1847, for $6,119 44, and the price of one section of land at $6 12 1-2 per acre, included in the judgment for $10,709 10, also rendered 23d Nov., 1847, was tendered to the state in Arkansas state Bank paper, which was refused, and upon the question of the legality of this tender the cases were removed by appeal to the supreme court of the United States, where it was decided that the tender was insufficient; since which decision in favor of the state upon the tender, and the decision of our supreme court of the chancery suit above named, the parties conceiving themselves entirely released from the payment of said judgments, have filed a bill in chancery in the Pulaski Circuit court, praying that the collection of the amount due for said section of land at $6 12 1-2 per acre, embraced in said judgment for $10,709 10, recovered against Trigg, Pryor and Paup, 23d Nov., 1847, may be enjoined; which said bill in chancery was filed during the sitting of the last June term of said court.

This suit has not yet been determined. The judgment rendered 23d Nov., 1847, for $6,119 10 rests as yet undisturbed; but as the proper authority has not been received from the supreme court of the United States, I have been unable to proceed to collect it by execution.

Very respectfully,
Your ob't serv't,
JOHN T. TRIGG,
Land Attorney and State Collector for Arkansas.

To His Excellency,
ELIAS N. CONWAY,
Governor of Arkansas.

In Pulaski Circuit Court in Chancery.

John W. Paup
vs. } Complainant.
The State of Arkansas,

Copy of Exhibits "A,," "B." and "C.," referred to in the deposition of Sam. C. Wheat and Daniel T. Witter, register and receiver of the land office at Washington, Hempstead county, Arkansas, taken on the part of the defendant.

EXHIBIT "A."

Spring Hilll 28th April, 1842.

Sir: It was my intention to have visited Little Rock at the time of the sale of the Seminary Lands, but shall not be able to do so. I am authorized by a number of gentlemen in this section of the country, to offer you six dollars twelve and a half cents per acre for four sections of the unlocated Seminary Lands; should you not have a higher offer we will take that quantity, and give you such security as will be satisfactory to you. I saw Mr Moore a few days since; he says he will not be able to select more than five to ten thousand acres without interfering with the claim of the settlers. Should you be disposed to sell the lands at three dollars per acre, in three equal annual installments, the settlers would be willing for the selections to be made on their improvements, and thus a much larger quantity of land could be taken, and more money could be obtained for them. Suppose you come out and meet with the parties.

Very respectfully,
your obedient servant,
RICHARD PRYOR.

Post marked, 'Washington, Arkansas, April 29th,' endorsed, 'To

His Excellency, A. Yell, Governor of the State of Arkansas, Little Rock, Arkansas.

EXHIBIT "B."

Washington, 20th June, 1842.

To His Excellency, Governor Yell:

Since writing you about the lands I have located, I have concluded to take the balance of the claim you have to dispose of, if it is less than a section, at six dollars per acre.

The law requires that the location shall be made in tract not less than 640 acres; I can also, legally locate adjoining, any number of acres less than 640 acres. I think, when I was in Little Rock, you mentioned that you had seven eighty-acre tracts, or 560 acres. If, however the number is a little under or over a section, I will take it at the price above named. If you let me have it, send it on immediately, and I will locate it, and you can give me a deed for all at one time. Send me the plat or power to locate at Spring Hill. I will send on my bonds with good security, as soon as the location is made. Your early attention is earnestly requested.

Yours, &c.,

JOHN W. PAUP.

Endorsed, 'To His Excellency, Governor A. Yell, Little Rock, Arkansas." "By Col. Wynn.'

EXHIBIT "C."

Spring Hill, 10th August, 1842.

Sir: Yours of the 30th ult. has came to hand, and contents duly noticed.

I herewith inclose you Mr Hamilton's notes, with Richard Pryor and myself as securities; which I hope will arrive safe and in time for you to make your report to the legislature. If you have not sold the balance of the Seminary Land, say about 7-8 of a section, you may send me a certificate, and I will immediately forward you my bond, with Messrs Pryor and Hamilton as security—say, at six dollass twelve and a half per acre.

Let me hear from you as soon as convenient.

Respectfully yours,

JOHN W. PAUP.

Post marked, 'Spring Hill, Arkansas, August 11th, 1842.' Endorsed, 'To His Excellency, Governor A. Yell, Little Rock, Arks."

In testimony that the annexed and foregoing exhibits are true and complete copies thereof, taken from the originals, now on file in my office.

SEAL. I, Gorden N. Peay, do here unto set my hand, as clerk of the said court, and affix the seal of said court, this 17th day of December, A. D., 1852.

GORDON N. PEAY, *Clerk.*

Copy of the certificate granted by the Governor to John W. Paup, authorizing him to locate 520 acres of floating claims, sold to him.

EXECUTIVE DEPARTMENT,
Little Rock, Arks., August 14th, 1842.

In pursuance of the provisions of the act of Congress, entitled "an act concerning a seminary of learning in the territory of Arkansas," approved 2d March, 1827; and of the act entitled, "an act supplementary to the act entitled an act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes," approved 23d June, 1836, granting and confirming to the State of Arkansas, two townships of land for a seminary of learning; and of the act of the General Assembly of the State of Arkansas, entitled "an act to authorize the governor to dispose of the Seminary Lands;" by which said act, it is, among other things, enacted as follows:

Be it enacted by the General Assembly of the State of Arkansas, That the governor of the State of Arkansas be, and he is hereby, appointed the agent of the State of Arkansas, with full power to sell and dispose of the seventy-two sections, or that portion thereof, remaining unsold, granted to the territory of Arkansas, by an act of the Congress of the United States, approved 27th day of March, 1827, for the purpose of erecting and establishing a seminary of learning in said territory, now, State of Arkansas.

SEC. 2. *Be it further enacted*, That the governor of this state is hereby endowed with full and complete power, to sell and dispose of the lands yet remaining unlocated, in legal subdivision, not less than one quarter section, with authority to the purchaser or purchasers thereof, to select and locate any of the unappropriated lands of the United within this state; *Provided*, That the same be not located upon any of the public lands, upon which there is an actual settler And in all cases, when any location or locations shall be made by any of the purchasers of the aforesaid lands, the person or persons applying for the location of the same, shall, in the presence of the register and receiver of the land office, where such application may be made, take and subscribe an oath or affirmation, that there is no improvement on the lands on which said location is desired to be made; *Provided*, The same may be located on any lands where there are improvements, by the consent of the person owning or claiming the same. And,

WHEREAS, By virtue of an act of the General Assembly of the State of Arkansas, approved the 28th of December, 1840, further authorizing the governor of this state to sell said Seminary Lands, and that portion of unlocated lands, amounting to 5 sections and and 9-16 sections; and,

WHEREAS, The governor, in compliance with said act, did offer at public sale, said 5 sections and 9-16 of a section, on the 1st Monday in May, 1842, as perscribed in said statute; but there were no bidders, nor land sold. Now, there being yet unsold and unlocated 520 acres of the 5 sections and 9-16 of a section, I, Archibald Yell, governor of the State of Arkansas, by virtue of authority in me vested, as governor, as aforesaid, have, this day sold the remaining 520 acres to John W. Paup, at the rate of six dollars twelve and a half cents per acre; who is hereby authorized and empowered to locate the same upon any public lands in the State of Arkansas, belonging to the United States, under such rules and regulations as are prescribed by the acts of Congress, and Legislature of this state, at any of the land offices in the State of Arkansas.

SEAL. In testimony whereof, I Archibald Yell, governor of the State of Arkansas, have this day set my hand and caused the seal of the state to be affixed, at Little Rock, this 15th day of August, A. D., 1842, and of the Independence of the United States, the 67th year.

A. YELL.

By the Governor,

JOHN WIDGERY,

Secretary of State, pro tem.

STATE LAND OFFICE,

Little Rock, Ark., 17th Dec., 1850.

His Excellency, E. N. Conway:

Sir: Your communication of yesterday is before me, and in reply I have the honor to state: First, That no part of the seventy-two sections, granted to the state for seminary purposes and not confirmed, has been sold since the act of 23d December, 1846, intrusting the sale of this grant to the land agent.

Second. Prior to the passage of that act, governor Yell offered for sale, to be located by the purchasers, five sections and nine sixteenths of a section, (which were intended to embrace the entire unlocated portion of this grant,) at periods hereinafter stated. This unlocated part was sold at private sale, after having been offered in accordance with the proclamation of the governor, (dated 20th December, 1841,) with the privilege of floating the purchase upon any surveyed unlocated lands belonging to the United States, and in conformity with the act of Congress, granting the same.

The names of the purchasers, the price per acre, and number of acres appear from the records of this office, to be as follows:

Robert Carrington 320, acres, $6 12 1-2, $1,160 00, note dated May 13th, 1846.

Richard Pryor, 320 acres, $6 12 1-2, $1,960, note dated 12th May, 1842.

John W. Paup, 640 acres, $6 12 1-2, $3,920 00, note dated 12th May, 1842.

Robert Hamilton, 640 acres, $6 12 1-2, $3,920, note dated 31st May, 1842.

John W. Paup, 320 acres, $6 12 1-2, $3,185, note, dated 24th September, 1842; 3,560 acres; $21,805 00.

Third. In reply to your inquiry, whether any unconfirmed lands of the 500,000 acre grant have been sold, I have to state that very many instances have occurred, where lands were sold under the act of 31st Dec., 1842, the location of which was rejected by the secretary of the treasury. Pending the action of the land office at Washington, governor Yell proceeded to receive lands for sale without awaiting a confirmation, and they were filed with the treasury, and perhaps have passed into the hands of the land attorney for collection. A list of cases, so situated under this act, was furnished to the late treasurer of the state, in order that no unnecessary litigation or expense might arise from claims uncollectable by law, and which should be cancelled.

I have the honor to be, very respectfully,
your obedient servant,
L. J. REARDON.
Land Agent.

Message from the governor by R. H. Johnson, Esq., his excellency's private secretary.

Mr President:

I am instructed by the governor, to report to the senate, that on the 17th of December, 1852, he approved and signed, "an act to incorporate the town of Waldron, in Scott county."

R. H. JOHNSON,
Private Secretary.

The journal of yesterday was read and approved.

Mr Berry, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrollments, have examined "an act to authorize Rebecca Daniels to sell certain real estate, and have instructed me to report the same as correctly enrolled.

BERRY, *One of the committee.*

Mr Lemoyne, introduced the following

RESOLUTION:

Be it resolved by the General Assembly of the State of Arkansas, That the 29th section of the 4th article of the constitution of this state, be so amended as to alter or change county lines, not reducing any county below or to a less area than seven hundred and fifty square miles; and that all counties heretofore established, with less than 900 square miles, shall be constitutional.

Which was read a first time, and ordered to a second reading by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose and Mr President—20.

Nay.—Mr Harley—1.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature, a joint resolution, instructing our senators in Congress, and requesting our representative, to use all diligent means, to procure an act of Congress, donating to township 8 north, of range 32 west, certain lands therein described.

R. H. JOHNSON,
Private Secretary.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed bill No. 207, to be entitled "an act to distribute the reports of the supreme court."

Which is herewith transmitted for the assent of your honorable body; which is respectfully asked.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, of William H. Harris, praying the General Assembly to pass an act legalizing the will made, executed and published by his wife, Mary Harris, who was, at the time of the making, execution and publication of such will, *feme covert*, and the documents and bill accompanying said petition, have had the same under consideration, and instruct me to report, that they are well satisfied from a careful consideration of the principles of law, involved in this enquiry, as well as from a minute and patient examination, with all the facts connected with the case under consideration; that no fundamental principle of law will be violated, or private or public right impaired or injured, by granting the prayer of the petitioner in this behalf.

Your committee would, therefore, respectfully and earnestly beg leave to suggest, to your honorable body, the propriety and expepediency of granting the prayer of the petitioner in the premises, and therefore, take great pleasure in recommending the passage of the accompanying bill.

All of which is respectfully submitted, and your committee respectfully ask to be discharged from the further consideration of the matter referred to them.

Which report was read and received.

On motion of Mr Clarke, senate bill No. 108, to be entitled "an act to legalize the will and testament of Mary Harris, deceased," accompanying the above report, was taken up, read a third time and passed.

It was then transmitted to the house of representatives for their assent.

No. 121. Mr Clarke, on leave, introduced a bill, to be entitled "an act to require the governor to appoint an agent to locate certain donated lands, granted to the state."

Which was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Clarke, the rules of the senate were again dispensed with, and the bill read a third time, and passed.

On motion of Mr Chapman, senate bill No. 82, to be entitled "an act revising the common school system in the State of Arkansas," was taken up.

Mr Mitchell was called to the chair.

On motion of Mr Huey, the bill was read by sections.

The 1st section was read and no amendment offered to it.

The 2d section was read, when Mr Chapman offered the following amendment:

Add, after the word "township," in the 5th line, "*Provided*, That the county containing the smaller portion of said township shall not be deprived of its equitable share of the school fund of said township."

Which was read and adopted.

The 3d section was read, and no amendment offered to it.

The 4th section was read, when Mr Harley offered to amend it as follows:

Add the following proviso: "*Proded*, That actual settlers shall have the use of timber necessary for the use of their improvements."

Which was read, and on motion of Mr Huey, it was laid on the table indefinitely.

The 5th and 6th sections were read, and no amendment offered to them.

The 7th section was read.

Mr President moved to amend the 7th section, by leaving another blank, after the word "we," in the 5th line, and inserting at the end of such blank, the words "as principal," and by inserting at the end of the 2d blank, in the private bill, the words "as securities."

Which motion prevailed.

The 8th section was read.

Mr President moved to amend, by striking out the words "of practical operation," in the 9th line, and by inserting between the letter "a" and word "system," in the same line, the word "practical."

Which motion prevailed.

The 9th section was read.

Mr Fletcher moved to amend it, by striking out "eighteen," in the 6th line, and insert, in lieu thereof, "twenty-one."

Which amendment was read.

On motion of Mr Huey, the amendment was laid on the table indefinitely.

The 10th section was read. No amendments were offered to it.

The 11th section was read.

Mr President moved to amend it, by inserting, after the word "county," in the 4th line, the word "court;" and by inserting, between the words "give" and "thirty," the words "notice of such vacancy to the sheriff of his county, who shall forthwith proceed to give."

Which amendments were read and adopted.

The 12th section was read.

Mr Huey moved to amend it, by inserting, between the words "of" and "demands," the word "all."

Which amendment was adopted.

The 13th section was read.

Mr President moved to amend it, by inserting, after the word 'bound,' in the 4th line, the words, 'to be approved of by the county court, or the clerk thereof in vacation; and.'

Which amendment was read and adopted.

Mr Harrison moved to amend, by inserting, between the words 'upon' and 'notice,' in the 4th line, the word 'ten.'

Which motion prevailed.

Mr President offered the following amendment:

Add to the section, after the word 'thereon,' in the 6th line, 'and if he shall fail, refuse or omit to enter into a new bond, then, and in that case, his office shall be deemed and held as vacant, to be filled as hereinbefore provided for.'

Which amendment was read and adopted.

Mr Huey moved to amend, by striking out the words 'and approved,' in the 4th and 5th lines, and by inserting, between the words 'payable' and 'conditioned,' the word 'and.'

Which motion prevailed.

The 14th, 15th, 16th and 17th sections were read, and no amendments offered thereto.

The 18th section was read.

Mr President moved to amend it, by striking out the words 'by himself,' in the 2d line, and by striking out the words 'by himself,' or 'with,' in the 5th line, and inserting, in lieu of the words stricken out of the 5th line, the words, 'call to his assistance,' and by adding, between the words 'may' and 'associate,' the words 'desire to.'

Which amendments were read and adopted.

Mr Harrison moved to amend, by striking out the word 'also,' in the 4th line.

Which motion prevailed.

Mr Huey moved to amend, by striking out the words 'upon application,' in the fifth and sixth lines.

Which motion, after debate, was lost.

Mr President offered the following amendment:

Add, after the word 'thereof,' in the 12th line, the following: 'and if the person proposing to teach be found incompetent, the commissioner shall not issue a certificate, nor allow such person to teach a common school in the county, and receive any part of the common school fund, as pay for teaching.'

Which was read.

After debate, Mr Harley moved to lay the amendment on the table.

Upon which motion, Mr Burrow called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Billingsley, Chapman, DeShongh, Harley, Harrison, Huey, Miller, Mitchell, Poindexter and Mr President—10.

Nays.—Messrs Berry, Bozeman, Burrow, Davidson, Ellis, Fletcher, Henson, Izard, Lemoyne and Rose—10.

So the motion to lay the amendment on the table was lost.

After further debate, the question, Shall the amendment be adopted? was stated from the chair.

Mr Harley called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Berry, Bozeman, Burrow, Davidson, DeShongh, Ellis, Fletcher, Henson, Izard, Lemoyne, Miller and Rose—12.

Nays.—Messrs Billingsley, Chapman, Clarke, Harley, Harrison, Huey, Mitchell, Poindexter and Mr President—9.

So the amendment was adopted.

The 19th section was read, and no amendment offered thereto.

The 20th section was read.

Mr President moved to amend it, by striking out the words 'at death, or at the,' in the 1st line, and insert, after the word 'representatives,' in the 2d line, the words 'on his death.'

Which amendments were adopted.

The 21st section was read, and no amendments offered thereto.

The 22d section was read.

Mr Huey offered to amend it, by adding, at the end of it, the following:

Provided, That the trustees of any school township in this state, may call the county surveyor of their county to assist them in such survey. He shall be allowed and paid out of the funds arising out of the sale of such school lands, by the county commissioner, as he is allowed by law for similar services; and the receipt of such surveyor to said commissioner shall be a sufficient voucher for the money so paid.

Which amendment was read and adopted.

Section 23d was read, and no amendment offered thereto.

Section 24 was read.

Mr President moved to amend it, by striking out the word 'years,' in the 2d line, by striking out the word 'with,' in the same line, and inserting, in lieu thereof, the words 'years, the,' and by striking out the word 'and,' between 'bond' and 'approved,' and insert, in lieu thereof, the word 'with.'

Which amendments were adopted.

Mr Lemoyne offered the following amendment:

Provided, Any person may pay the amount in cash, for which said land was sold.

Which was read and adopted.

The 25th section was read, and no amendment offered thereto.

The 26th section was read, and amended on motion of Mr President, by inserting after the word 'acre,' the word 'and,' in the [illegible]th line; and by inserting after the word 'Provided,' the word 'further' in the same line.

The 27th section read, and amended on motion of Mr President, by striking out the word 'on,' in the second line, and inserting the word 'in,' and by striking out the words 'the price paid therefor,' in the 4th line, and inserting in lieu the words 'stating the price for which the same were sold.'

Sections 28 and 29 were read, and no amendments offered thereto.

Section 30 was read; Mr President moved to amend it by striking out the word "assigned," in the 4th line, and insert in lieu thereof, 'signed;' by inserting between the words "shall" and 'contain' in the 6th line 'movever;' by striking out the word "and," in the 9th line and inserting in lieu thereof 'or,' and by striking out the words "filed and preserved by the,' in the 11th line, and inserting in lieu thereof, the words 'transmitted to the secretary of state, who shall preserve and file the same in his office as," and by adding after the word 'commissiouer' in the 11th line, the words "for the state at large."

Which amendments were severally read and adppted.

Mr Harrison moved to amend the 28th section, by striking out all of said section after the word 'vouchers' in the 8th line.

After debate, and before the question was taken on the motion of Mr Harrison, the further consideration of the bill was, on motion of Mr Harley, postponed until Monday next.

Mr Clarke moved that the message of his excellency the governor, made to the senate this morning, returning, with his objections thereto, a bill of the senate entitled "an act for the relief certain persons, who have contracted to purchase lands from the state," be taken up and acted upon; pending which,

On motion of Mr Lemoyne, the senate adjourned until Monday morning, 10 o'clock:

THOMAS B. HANLEY, *President*.

Monday, Dec. 20th, 1852.

The Senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Burrow, Chapman, Davidson, DeShongh, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of Saturday was read and approved.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body that the house of representatives have assented to senate bill No. 80 to be entitled "an act for the relief of William Harwick, of Monroe county;" also, to senate bill No. 85, to be entitled "an act to callin the scrip of Monroe county;" also, to senate bill No. 86, to be entitled "an act to incorporate the Peoples' Insurance Company at Osceola," with an amendment thereto, in which your honorable body is respectfully asked to concur; also, to senate bill No. 108 to be entitled "an act to legalize the will and testament of Mary Harris; deceased;" all of which are herewith returned.

The house of representatiues have concurred in the amendment of the senate to house resolution in regard to an increase of the mail service on route No. 5955.

The house has also passed a joint resolution, instructing our senators, and requesting our representative in Congress, to use all honorable means to procure the establishment of a line semi-weekly post coaches from Helena to Chalk Bluffs, *via* of Mt. Vernon, Bolivar and Gainesville.

The house of representatives haved passed bill No. 111, to be entitled 'an act for the relief of the representatives of Redrick Kelly;' also, bill No. 83, to be entitled, 'an act to exempt the citizens of certain townships in this state from serving on juries;" also, bill No. 264, to be entitled "an act to grant a charter to Isaac Gray, for certain purposes;" also, bill No. 265, to be entitled "an act to incorporate the city of Powhatan, in Lawrence county;" also, bill No. 268 to be entitled "an act to authorize the clerk of the circuit and county courts of Montgomery county to transcribe certain records in his office;" also, bill No. 269, to be entitled "an act for the relief of the heirs and legal representatives of Peter Mason deceased;" also, bill No. 270, to be entitled "an act to exempt certain persons from serving on juries, in Phillips county."

All of which are herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Davidson presented a petition, signed by 580 citizen voters of Lawrence county, representing that Lawrence county contains about 1,600 square miles; that, by a great increase of population within the last two or three years it has become very inconvenient to a large portion of her citizens to attend to any business at the present county seat; that many persons in the county are forced to travel from 25 to 40 miles to the county seat; that from the peculiar situation of the county, the same may be divided so as to promote and enhance the general convenience of the whole, and at the same time, out of the old county form two respectable counties of six hundred or six hundred and fifty voters each, with a territory of some 800 square miles to each division; and praying the passage of an act dividing said county as near equally as may be, so as to give a county seat in the eastern division, and one in the western division, at such points as may be deemed most convenient and practicable.

The petitioners, also protest against any cropping or lopping off portions of said county, other than is set forth, in the body of the petition.

Which was read.

On motion of Mr Davidson, the petition was referred to the committee on counties and county lines.

Mr Burrow was called to the chair.

On motion of Mr Lemoyne, senate bill No. 109, to be entitled "an act to attach a portion of Conway county to the county of Pope, in this state," was taken up out of its order.

Mr Lemoyne offered the following amendments:

Amend by striking out the words "between range line," in the 8th line of the 1st section, and insert in lieu thereof, "on the line dividing ranges."

And strike out the words "range line eighteen, thence with said range line," in the 10th and 11th lines of the same section.

Which amendments were read and adopted.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, the bill as amended, read a third time and passed.

Message from the house of representatives, by the clerk.

Mr President:

I am instructed to present for your honor's signature, "an act for the relief of the heirs of Mary Black, deceased.'

'An act to incoporate the town of Monticello, in Drew county.'

'An act to change in part, the time of holding the circuit court on the third judicial circuit, in this state.'

'An act for the relief of James J. Willburn, late sheriff of Carroll county.'

'An act to change the time of holding the county and probate courts, in the counties of Montgomery, Searcy and Newton.'

'An act to change the time of holding the county and probate courts, for the county of Monroe."

'An act to incorporate the Boston Male and Female Academy, in Franklin county in this state.

'An act to amend the 121st chapter of the digest of the statutes of this state under the head of 'Penitentiary.'

'An act to change the name of Rebecca Irwin to Rebecca Irwin

Butterworth, and to constitute her a legal heir of Thomas Butterworth and wife."

'An act for the of the heirs of L. C. Quinn, deceased, late of Franklin county, Arkansas.'

'An act for the benefit of the heirs at law of John Howell, deceased, late of Crawford county, Arkansas.'

Also, a joint resolution, instructing our senators, and requesting our representative in Congress, to use their influence to increase the service on mail route No. 5955, and to supply Crooked creek post office by said route.

J. H. HOBBS,
Clerk of the House.

Mr Miller moved to take up senate bill No. 82, to be entitled 'an act to revise the common school system, in the state of Arkansas;' which motion, on a division, was lost.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements have had under consideration senate bill No. 63, to be entitled 'an act to authorize a geological survey of the state of Arkansas,' and have instructed me to report the same back, amended by striking out the first section and inserting in lieu thereof:

Whereas, in the state of Arkansas there is found a great variety of minerals, iron, lead, silver, gold, and copper, with an inexhaustible quantity of marble, granite and other stone of great value to the entire state;

And Whereas, these resources of the state have been overlooked; and whereas, much of the wealth of many of the states of the confederation have depended upon the development of their mineral resources, adding thereby to their agricultural and manufacturing interests; therefore,

Sec. 1. *Be it resolved by the General Assembly of the State of Arkansas*, That it shall be the duty of the governor, whenever the interests of the state will be promoted thereby, to appoint a Geologist, Mineralogist and Assayer, for the state of Arkansas, who shall hold his office for the term of two years from his appointment, *Provided*, That no one who is not a geologist, mineralogist and assayer, shall be eligible to said office, or receive the benefits of this act.

Strike out the 9th section and insert in lieu thereof:

That five thousand dollars be, and the same is, hereby appropriated to carry into effect the objects and intents of this act.

Strike out the 10th section, and insert in lieu thereof:

That it shall be the duty of said Geologist, to keep an account of his expenditures, and report the same with his professional services, as above provided for.

UNDERHILL, *Chairman.*

Which report was read and received.

On motion of Mr Rose, the amendments were taken up, read and adopted.

On motion of Mr Underhill, the bill was ordered to be engrossed as amended, for a third reading on to-morrow.

Mr Chapman, from the committee on education made the following

REPORT:

Mr President:

The committee on education, to whom was referred senate bill No. 42, entitted "an act to amend the 3d section of an act entitled an act to amend the common school system in this state, and house bill No. 158, entitled an act to blend all the school fund in Arkansas county in support of common schools, have had the same under consideration, and ask leave to report the same back to the senate, and recommend that they lie upon the table for the time being, together with the petition of several citizens of township 8 north, in range 26 west, of Franklin county.

CHAPMAN, *Chairman.*

Which report was read and received.

Mr Fletcher, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred a memorial of James Lawson, with senate bill No. 99, have had the same under consideration, and instructed me report the same back, and recommend its passage.

FLETCHER, *Chairman.*

Which report was read and received.

On motion of Mr Fletcher, the rules of the senate were dispensed with, and senate bill No. 99, to be entitled "an act to extend to James Lawson the provisions of an act, entitled an act for the relief of those persons who had purchased portions of the seminary lands," accompanying the foregoing report, was taken up, and read a third time.

After debate, the question was taken on the passage of the bill; Mr President called for the yeas and nays.

Yeas.—Messrs Burrow, Chapman, Ellis, Fletcher, Hawkins, Miller, Poindexter and Underhill—8.

Nays.—Messrs Berry, Billingsley, Bozeman, Davidson, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Mitchell, Rose and Mr President—13.

Mr Clarke asked to be, and was excused from voting.

So the bill was lost.

Mr Huey moved to reconsider the vote on the passage of senate bill No. 99, to be entitled "an act to extend to James Lawson the provisions of an act entitled an act for the relief of those persons who had purchased portions of the Seminary Lands."

On which motion of Mr President called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Burrow, Chapman, Davidson, DeShongh, Ellis, Fletcher, Harrison, Hawkins, Huey, Izard, Lemoyne, Miller, Poindexter and Underhill—14.

Nays.—Messrs Berry, Billingsley, Bozeman, Harley, Henson, Mitchell, Rose and Mr President—8.

So the motion to reconsider prevailed.

On motion of Mr Huey, the bill and petition were referred to the committee on the judiciary, with instructions to report on the questions of law, involved in the bill.

Mr Underhill introduced, on leave, a bill to be entitled "an act to legalize the marriage of Henry Dinkins and Martha Wynne, late of Mississippi county."

Which was read a first time.

On motion of Mr Underhill, the rules of the senate were dispensde with, and the bill read a second time.

On motion of Mr Harrison the preamble was stricken out..

On motion of Mr President, the rules of the senate were dispensed with, the bill, as amended, read a third time, and passed.

On motion of Mr Huey, house bill No. 269, to be entitled "an act for the relief of the heirs and legal representatives of Peter Mason, deceased," was taken up and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

No. 114. Mr Clarke, on leave, introduced a bill, to be entitled "an act to cancel the warrant No. 6,944, in favor of the internal improvement fund."

Which was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Clarke, the bill was referred to the committee on public lands.

Message from the governor by Richard H. Johnson, Esq., his excellency's private secretary.

Mr President:

I am instructed by the governor, to report to the senate, that on the 18th December, 1852, he approved and signed, "an act to authorize Rebecca Daniels to sell certain real estate;" "an act to provide more fully for the election of commissioners to sell or lease the sixteenth sections in congressional townships, numbers nine, ten, eleven and twelve north, of range number twenty-nine west;" "an act to amend the first section of an act creating the county of Calhoun, approved 6th December, 1850;" and, "an act to confirm certain sales."

On motion of Mr Billingsley, senate bill No. 82. to be entitled "an act revising the common school system in the State of Arkansas," was taken up.

Mr President moved to amend the 9th section, by inserting, before the word, 'children,' in the 6th line, the words, 'free white.'

Which motion prevailed.

Mr Berry offered the following amendment as a proviso to the 19th section.

Provided, That nothing in this section shall be so construed, as to repeal, alter or amend the act passed at the present session of the General Assembly, entitled "an act for the relief of Lawrence county, and for other purposes."

Which amendment was read and adopted.

Mr Harrison moved to amend the 28th section, by striking out the the following words after the word, 'vouchers,' 'and the said county courts, or so many of them as may be present at that term of the court, shall be held individually, to the fund injured, and to the securities of said commissioner, in case judgment be recovered of said securities, for all damages occasioned by a neglect ofduties, required of said court by this section; *Provided*, That the securities of said commissioner, shall still be liable to the fund, the same as if the county courts were not liable."

Which motion prevailed.

The 31st section of the bill was read.

Mr Fletcher moved to amend it, by striking out the words, 'legal voters,' in the 3d line, and inserting in lieu thereof, 'householders.'

Which motion prevailed.

Mr Huey moved to amend by striking out the word, 'others,' in the 9th line, and inserting in lieu thereof, 'their successors.'

Which amendment was adopted.

Mr Huey moved further, to amend, by inserting in the 10th line, between the words, 'and,' and, 'enter,' the words, 'qualified to.'

Which amendment was adopted.

Section 32 was read.

On motion of Mr Huey, it was amended, by inserting between the words, 'of, and 'schools,' the word, 'common,' in the 1st line, by inserting between the words, 'shall,' and 'have,' in the 2d line; the words, 'be a free white person, andshall;' by inserting between the words, 'and' and 'be,' in the 2d line, the word, 'shall;' by striking out the word, 'his,' in the 3d line, and inserting in lieu thereof, the word, 'the;' and by adding after the word, 'township,' in the 3d line, the words, 'for which he is elected.'

The 3d section was read.

Mr Berry moved to amend it, by striking out the following, in the 1st, 2d and 3d lines:

'The qualified voters in each school district in this state, shall, at the place of electing members of the General Assembly, on the 1st Monday in August, every two years, elect three trusteess, for their respective districts; and the,' and inserting the following, in lieu thereof: 'That whenever a majority of the householders of any congressional township,, petition the commissioner for that purpose, he shall order an election to be held in such township for the election of three trustees, who shall hold their office for the term of two years, and until their successors are elected and qualified; which.'

Which amendments were read and adopted.

Mr Berry moved to amend further, by striking out the words, 'of said,' in the 3d line, and the word, 'trustees,' in the 4th line.

Which motion prevailed.

The 34th section was read.

On motion of Mr President, it was amended by inserting after the word, 'county,' in the 3d line, the word, 'court.'

Section 35th was read.

Mr President offered the following amendments to it.

Strike out the word, 'inhabitant,' in the 1st line, and insert in lieu thereof, 'householders;' strike out the words, 'chose to adopt,' in the same line, and insert in lieu thereof, 'elect to prefer;' strike out the words, 'in which case,' in the 3d line; and strike out the word, 'by,' in the 5th line, and insert in lieu thereof, 'as provided for the government of.'

All of which were adopted.

On motion of Mr Huey, the 2d line was amended, by inserting between the words, 'of' and 'school,' the word, 'common.'

The 37th section was read.

On motion of Mr President, it was amended by striking out the word, 'liabilities,' in the 2d line, and inserting in lieu thereof, 'duties.'

The 36th section was read.

It was amended by order of the senate, by inserting between the words, 'of' and 'school,' the word, 'common.'

The 38th section was read, and no amendment offered to it.

The 39th section was read.

On motion of Mr President, it was amended, by striking out the word, 'dated,' in the 3d line, and inserting in lieu thereof, 'approved.'

The 40th section was read.

On motion of Mr President, it was amended, by inserting between the words, 'as' and 'successors,' in the 3d line, the word, 'their.'

The 41st section was read.

On motion of Mr President, it was amended, by striking out the word, 'from,' in the 3d line, and insert in lieu thereof, the word, 'constitute.'

The 42d section was read.

Mr Mr Huey offered the following amendments to it:

Strike out the word, 'viz,' in the 4th line, and insert after the word, 'schools,' in the same line, the following: 'And the county commissioner is hereby required to render to said trustees, a written statement, showing;'

Which were read and adopted.

On motion of Mr President, the letter 'S.' was added to the word "Saturday,' in the last line.

Mr Huey moved to amend by striking out the words, 'be most,' in the 1st line, and the word, 'for,' in the 12th line, and inserting in lieu thereof, the words, 'best guard.'

Which motion prevailed.

The 43d section was read.

Mr Huey moved to amend it, by striking out, 'freeholder,' in the 4th line, and inserting in lieu thereof, 'property-holders.'

Mr Izard moved to amend the amendment, by striking out, 'freeholders as,' in the 4th line, and insert in lieu thereof, 'responsible."

Which amendment was accepted by Mr Huey; and the amendment, as amended, adopted.

The 44th section was read.

On motion of Mr President, it was amended, by striking out the word, 'law,' in the 7th line, and inserting in lieu thereof, the word, 'act.'

The 45th section was read.

On motion of Mr President, it was amended, by striking out. 'inhabitant,' in the 3d line, and inserting in lieu thereof, 'householders.'

On motion of Mr Huey, it was further amended, by inserting between the words, 'book' and 'kept,' in the 6th line, the words, 'to be.'

The 46th section was read.

Mr Billingsley offered the following amendment, to be added after the word, 'district,' in the 4th line:

'*Provided*, That the majority of the householders of any congressional township, may have the right, when there is any money on hand, to be used for school purposes, to use any school-house in said township that may be offered them.'

Which was read and adopted.

Mr President moved to amend, by inserting between the words 'purchase' and 'and,' the words 'or receive donation.'

Which amendment was adopted.

On motion of Mr Berry, the word 'inhabitant,' in the 2d line, was stricken out, and 'householders' inserted in lieu thereof.

The 47th section was read.

Mr President, at the request of Mr Burrow, resumed the chair.

On motion of Mr. Huey, the 47th section was amended, by inserting, before the word 'districts,' in the 4th line, the word 'respective."

Mr Izard was called to the chair.

Mr Burrow offered the following amendment, as an addition to the 47th section.

That all parents or guardians, residing in any township, in any county, having control of children eligible to the common schools, shall be, and they are hereby required to send such child or children to some good school, if any common school be taught in [illegible] township in which the child or children reside, at least one [illegible] common school may be taught in said town, and should any parent or guardian, having the control of [illegible] child, children, ward or wards, eligible to the common school, failing and refusing to send said child, children, ward or [illegible] some good school, at least one fourth of the time for which [illegible] common school may be taught in the township in which said [illegible] children, ward or wards reside, then, and in that case, [illegible] or guardians shall forfeit and pay a fine, [illegible] than five, nor more than twenty-five dollars, to the use of the [illegible] school fund, which said fine shall be collected at the [illegible] the county commissioner, before any justice of the peace [illegible] proper county, in an action of debt; *Provided*, That nothing contained in this section shall be so construed, as to prevent any parent or guardian from sending their child, children, ward or wards to any school they may prefer or select.

Which amendment was read.

Mr Lemoyne moved to amend the amendment, by striking out the word 'parent,' wherever it occured.

Which motion was debated by Messrs Lemoyne and Burrow.

At the conclusion of the debate, the question being on the motion to strike out the word 'parent,' Mr Lemoyne called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Billingsley, Bozeman, Chapman, Clarke, Fletcher, Henson, Huey, Izard, Lemoyne, Miller, Mitchell and Poindexter—12.

Nays.—Messrs Berry, Burrow, Davidson, DeShongh, [illegible] Harley, Harrison, Hawkins, Rose and Mr President—10.

So the word 'parent' was stricken out.

Mr Harley offered the following amendment to the amendment, as amended:

Provided, further, That said fine and penalty shall not be inflicted, where a good and sufficient reason is shown for not sending to school as aforesaid.

Which amendment was read, and upon a division, adopted.

Mr Burrow moved, as the senate had stricken out 'parent,' to amend the amendment, so as to make its provisions apply to guardians and wards, by striking out the word 'or,' before the word 'guardian,' in the 1st line; by striking out the word 'children,' in the 3d line, and inserting, in lieu thereof, 'any ward or wards;' by striking out the words 'child or children,' in the 6th line, and inserting, in lieu thereof, 'ward or wards;' by striking out the words 'child or children,' in the 9th line, and inserting, in [illegible] thereof, 'ward or wards;' by striking out the word 'or,' before 'guardian,' in the 12th line; by striking out the words 'child, children,' in the 13th line; by striking out the words 'child, children,' in the 16th line; by striking out the words 'child or children,' in the 19th line; by striking out the word 'or,' before 'guardian,' in the 31st line; by striking out the words 'child or children,' in the 32d line; and by inserting after the word 'dollars,' in the [illegible] the words 'out of his own proper moneys.'"

Which amendments were adopted.

The question being on the adoption of the amendment, as amended, Mr Burrow called for the yeas and nays which being sustained, were ordered;

Yeas.—Messrs. Bozeman, Burrow, Chapman, Davidson, DeShongh, Ellis, Harley, Harrison, Hawkins, Henson, Huey, Izard, Miller, Mitchell, Poindexter and Rose—16.

Nays.—Messrs Berry, Billingsley, Clarke, Fletcher, Lemoyne and Mr President—6.

So the amendment, as amended, was adopted.

On motion of Mr DeShongh, the Senate adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President.*

Tuesday, Dec. 21st, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, DeShongh, Fletcher, Harrison, Hawkins, Henson, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose and Mr President—18.

Prayer by the Rev. A. R. Winfield, chaplain.

On motion of Mr Berry, the reading of the journal was dispensed with for the present.

Mr Billingsley introduced the following

RESOLUTION:

Resolved, That when the senate adjourn, such adjournment shall be until 9 o'clock of the succeeding day.

Which was read and adopted.

Mr Clarke, from the committee on public lands, made the following

REPORT:

Mr President:

The committee on public lands, to whom was referred senate bill No. 114, to be entitled "an act to cancel the warrant No. 6944, in favor of the internal improvement fund," have had the same under consideration, and have instructed me to report the same back to the senate, without amendment, and recommend its passage.

CLARKE, *Chairman.*

Which report was read and received.

Mr [illegible], on leave, introduced a bill to be entitled "an act to constitute Louisa Americus Taylor an heir and legal representative of James E. Glennon."

Which was read a first time, and ordered to a second reading on to-morrow.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have unanimously adopted the resolutions herewith transmitted, touching the death of the Hon. James A. [illegible], representative from Crittenden county; in which the concurrence of the senate is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Poindexter, the resolutions accompanying the above message were taken up and read.

On motion of Mr Underhill, the resolutions were unanimously concurred in.

On motion of Mr Underhill, the senate adjourned.

THOMAS B. HANLEY, *President.*

Wednesday, Dec. 22d, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names.

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, Deshongh, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—22.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of Monday, the 20th and Tuesday, 21st inst., was read and approved.

Mr Miller presented the report of the internal improvement commissioner of Scott county:

STATE OF ARKANSAS,
County of Scott,

To the General Assembly
of the State of Arkansas, of 1852:

The undersigned, internal improvement commissioner of the county of Scott, in compliance with the act of the General Assembly of the State of Arkansas, at the last sitting, regulating internal improvement commissioners, passed December [illegible] 1850, requiring the commissioner of each county or board, as the case may be, to make out and submit to each General Assembly a full report of their doings, begs leave to submit the following statement: On the 5th day of July, 1851, I received of the treasurer of the State of Arkansas, upon the order of the auditor of the state, in cash, eight hundred and ninety dollars and seventy-five cents; I also received of U. G. Featherstone, treasurer of the board of internal improvement commissioners of Scott county, on the 22d day of July, 1851, the sum of seventy-three cents, making in all received by me from all sources of said funds, the sum of eight hundred and ninety-one dollars and forty-eight cents; and, at the April term of the county court of Scott county, I laid before the court my first annual report of the moneys received and expended, under the order of the court, which showed, at that time, I had expended $437 04, leaving a balance in my hands of $464 44; showing, at the same time, and at said court, that the money expended was on three important roads leading through Scott county; and at the same time filed a bill of particulars, or the various ways and items in which said money was expended, all of which was received by the court, and ordered to be filed, and allowed further time to complete the work, and in future to lay out the remaining $464 44 upon said roads; and some time in November next I intend to commence operations again, which will be conducted in like manner with the other, under the order and direction of the county court.

Respectfully, yours,
C. HUMPHREY,
Internal Improvement Com., Scott Co.

On motion of Mr Miller, Senate bill No. 42, to be entitled 'an act to amend the 3d section of an act to amend the common school system in the State of Arkansas,' was taken up, read a third time, passed, and transmitted to the house of representatives for their assent.

Mr Hawkins, on leave, introduced a bill, to be entitled 'an act for the relief of James Penney, late shereiff of Sevier county.'

Which was read a first time.

On motion of Mr Hawkins, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Hawkins, the rules of the senate were again dispensed with, the bill read a third time, and passed.

It was then transmitted to the house of representatives for their assent.

Mr Harley itroduced the following

RESOLUTION:

Resolved, That the committee on the penitentiary be, and they are hereby instructed to prepare and report a bill for building a suitable wall around the penitentiary, and such other buildings therein as may be requisite for the introduction into the penitentiary system of this state the manufacture of such cotton and woolon goods as are deemed best calculated to make it a self-sustaining institution.

Which was read.

On motion of Mr Billingsley, the resolution was laid on the table until to-morrow.

Mr Clarke introduced the following

PREAMBLE AND RESOLUTIONS:

Whereas, The construction of a railroad, connecting the Mississippi Valley with the Pacific Ocean, is attracting the attention of the people throughout this entire republic, and is imperatively demanded, not only by the commercial interest of the country, but the safety and perpetuity of our government; and,

Wherreas, These are various routes, and different termini proposed for this road; and which are being actively and energetically urged upon the attention of the people, preparatory to the definite action to be taken upon this subject by the National Congress; and,

Waereas, Arkansas is deeply and vitally interested in this great enterprise; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That our senators in Congress be instructed, and our representative requested, to use all honorable means, to procure the recognition of the proposed Arkansas Central Railroad route, starting on the west bank of the Missisisippi river, in the State of Arkansas, opposite the city of Memphis, in the State of Tennessee, passing through the State of Arkansas, westward, to the Pacific Ocean, over the most practicable route, hereafter to be determined, as a national highway; and that the government of the United States, by proper legislation, shall guaranty the payment of six cents per annum upon the stock necessarily subscribed for the construction of said road, in accordance with the recommendation in the message of ex-governor John Seldon Roane, upon this subject, which was transmitted to this General Assembly, during the first Monday of its session.

Which was read a first time, and ordered to be laid on the table one day, under the rule.

On motion of Mr Burrow. senate bill No. 98, to be entitled "an act for the relief of Dr. John M. Taylor, of Desha county," was taken up, read a third time, and passed.

On motion of Mr Burrow, senate bill No. 63, to be entitled "an act authorizing Eliza Hundley, administratrix of Joel Hundley, to sell the negroes belonging to her intestates' estate, at private sale," was taken up, read a third time, and passed.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 49, to be entitled "an act to amend section 128, chapter 95 of the Digest of the statutes of Arkansas;" also, to senate bill No. 55, to be entitled "an act to require the internal improvement commissioners to loan out the moneys belonging to the internal improvement fund;" with an amendment thereto, in which your honorable body is respectfully asked to concur.

The house have passed bill No. 271, to be entitled "an act to repeal the 13th section of an act entitled an act to incorporate the town of Ozark, approved December 17th, 1859.

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Clarke, the amendment of the house of representatives to senate bill No. 86, to be entitled "an act to incorporate the Peoples' Insurance Company at Osceola, was taken up, read, and concurred in.

Mr Underhill was called to the chair.

On motion of Mr Burrow, house bill No. 168, to be entitled "an act to blend all the school funds of Arkansas and White counties in support of common schools," was taken up and read a third time.

After debate, the bill was, on motion of Mr Burrow, laid on the table for the present.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The commitee on enrolled bills have examined 'an act to make an addition to the city of Van Buren,' and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Berry, the amendment of the house of representatives to senate bill No. 55, to be entitled 'an act to require the internal improvement commissioners to loan out the money belonging to the internal improvement fund.'

Mr Billingsley introduced the following

RESOLUTION:

Be it resolved by the General Assembly of the State of Arkansas, That the attorney general for the State of Arkansas, be, and he is hereby directed, at as early a day as he may deem convenient, to institute a suit against Horace B. Allis and his securities, on his bond as contractor for building a safe and durable wall around the penitentiary, &c., and to prosecute the same with due diligence, to final judgment.

Which was read a first time and laid on the table one day, under the rule.

Mr Davidson, from the committee on counties and county lines, made the following

REPORT.

Mr President:

The committee, to whom was referred the petition of sundry citizens of Dardanelle township, in Pope county, beg leave, hereby to report, that they have had the same under consideration, and instructed me to report the accompanying bill, and, they hereby recommend its passage.

DAVIDSON, *Chairman.*

Which report was read and received.

The bill accompanying the above report, to be entitled 'an act to attach a portion of Pope county to the county of Yell,' was read a first time.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Lemoyne, the rules of the senate were again dispensed with, the bill read a third time, and passed.

It was then transmitted to the house of representatives for their assent.

On motion of Mr Miller, senate bill No. 82, to be entitled 'an act revising the common school system in the State of Arkansas,' was taken up.

The 48th section was read, and no amendment offered thereto.

The 49th section was read.

Mr President moved to amend it by striking out the words, 'the office of;' and by striking out the word, 'justice,' in the 4th line, and insert in lieu thereof, 'court.'

Mr Poindexter moved to amend the amendment, by striking out the whole section.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act for the relief of the heirs and legal representatives of Peter Mason, deceased, late of Ouachita county.'

J. H. HOBBS,
Clerk of the House.

The question being on the adoption of the amendment to the amendment, the president called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Burrow, Davidson, Ellis, Fletcher, Harrison, Lemoyne and Poindexter—7.

Nays.—Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Harley, Hawkins, Henson, Huey, Izard, Miller, Mitchell, Rose, Underhill and Mr. President—15.

So the motion to amend the amendment was lost.

The question was taken, and the amendment offered by Mr President to the 4th line adopted.

The 50th section was read.

Mr President moved to amend it by striking out the word 'law,' in the 4th line, and insert the word 'act;' and insert between the word 'out' and 'at,' the words 'on bond, with approved security.' Which amendments were adopted.

Mr Fletcher moved to amend it by inserting between the words 'annum' and 'till,' the words 'payable semi-annually in advance.'

Which amendment was adopted.

Sections 51 and 52 were read and no amendment offered thereto.

The 53d section was read.

On motion of Mr President it was amended by inserting between the words 'of' and 'white,' in the 3d line, the word 'free.'

The 54th section was read.

On motion of Mr President, it was amended by inserting between the words 'of' and 'court,' the letter 'a.'

The 55th section was read, and no amendment offered thereto.

Mr Huey offered the following amendment, as a proviso to the 47th section:

Provided, That when it is more convenient for any one having charge of any child or children, to send them to a common school in an adjoining township, they may be allowed to draw upon the person having charge of the common school fund of their township, upon the certificate of the person teaching such child or children, for the amount that they would be entitled to, had they sent such child or children to a common school in their own township.

Which was read; and upon the question being taken upon its adoption, it was lost.

Mr Burrow offered the following amendment:

Sec. 56. *Be it further enacted,* That the county of Jefferson be and is hereby exempted from the operations of this act, and that the common school fund in said county be, in all respects, governed by the laws in existence, prior to the passage of this act.

Which was read.

Mr Harley moved to lay the amendment on the table indefinitely, and called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Chapman, Clarke, Harley, Harrison, Henson, Miller, Rose and Mr President—8.

Nays.—Messrs Berry, Billingsley, Bozeman, Burrow, Davidson, Ellis, Fletcher, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, and Underhill—14.

So the amendment was not laid on the table indefinitely.

Mr Poindexter moved to amend the amendment, by inserting, after the word 'Jefferson,' the word 'Hempstead.'

After debate and before the question was put to the senate, Mr Poindexter, on leave withdrew this amendment.

Mr Davidson offered the following amendment to the amendment:

That Lawrence and Fulton counties be exempted from the operations of this act.

After debate, Mr Poindexter moved to lay the bill and amendments on the table indifinitely.

On which motion, Mr Harley called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Burrow, Davidson, Fletcher and Poindexter—4.

Nays.—Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Ellis, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Miller, Mitchell, Rose and Underhill and Mr President—18.

So the motion to lay the bill and amendments on the table indefinitely, was lost.

Mr Harley moved to lay the amendments on the table indefinitely, and called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Harley, Harrison, Hawkins, Henson, Izard, Miller, Mitchell, Rose and Poindexter—14.

Nays.—Messrs Burrow, Davidson, Ellis, Fletcher, Huey, Lemoyne, Poindexter and Underhill—8.

So the motion to lay on the table prevailed.

Mr Billingsley offered the following amendment:

Sec. 56. That the several common school commissioners, elected under this act, shall receive two per cent. upon all the moneys which may come to his hands, for his services as said commissioner; and the several treasurers of school districts elected, shall receive one per cent. on all the funds coming to their hands under the provisions of this act.

Which amendment was read.

The question being upon its adoption, Mr Burrow called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Miller, Mitchell, Rose, Underhill and Mr Poindexter—17.

Nays.—Messrs Burrow, Davidson, Ellis, Hawkins and Poindexter—5.

So the amendment was adopted.

Mr Burrow offered the following amendment:

Provided, That Arkansas county be exempted from the operation of this act.

On motion of Mr President the amendment was laid on the table without a division.

Provided, That the county of Desha be exempted from the operations of this act.

Which was read.

On motion of Mr President, the amendment was laid on the table without a division.

Mr Huey offered the following amendment to the 33d section:

Provided, The first election shall be held on the first Monday in August next, and every two years thereafter.

Which was read and adopted.

On motion of Mr Huey, the bill was ordered to be engrossed for a third reading.

On motion of Mr Huey, the message of his excellency, the Governor, returning with his objections thereto "an act for the relief of certain persons who have contracted to purchase lands from the state,' was taken up and read.

On motion of Mr Poindexter, the act was also read.

On motion of Mr Poindexter, the message and bill were laid on the table, and made the special order of the day for to-morrow.

No. 118. Mr Ellis, on leave, introduced a bill to be entitled "an act for the benefit of Bryant Kellett and James Dowell, of Crawford county."

Which was read a first time.

On motion of Mr Ellis, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Ellis, the bill was referred to the committee on claims.

No. 119. Mr Poindexter, on leave, introduced a bill to be entitled 'an act to prevent persons from selling spiritous liquors to a slave, and for other purposes.'

Mr President resumed the chair.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

It was then ordered to third reading on to-morrow.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have this day delivered to the governor for his approval, an act to make an addition to the limits of the city of Van Buren, and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Poindexter, the senate adjourned.

THOMAS B. HANLEY, *President.*

Thursday, Dec. 23d, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names.

Messrs Berry, Billingsley, Bozeman, Chapman, Clarke, Davidson, Fletcher, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—20.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

On motion of Mr Chapman, leave of absence was granted to Mr Burrow for ten days.

Mr Clark presented a petition, signed by 40 citizens of Crawford county, praying the passage of an act authorizing the sale of the Saline lands, and the right of pre-emption to the same to actual settlers.

Which was read; and on motion of Mr Clarke referred to the committee on public lands.

Mr Clarke from the select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred senate bill No. 89, to be entitled, 'an act to amend the laws in relation to roads and highways, have had the same under consideration, and have instructed me to report the same back to the senate, and recommend its passage. CLARKE, *Chairman.*

Which report was read and received.

Mr Clarke from the committee on claims made the following

REPORT:

Mr President:

The committee on claims to whom was referred senate bill No. 118, to be entitled, 'an act for the benefit of Bryant Kellett and James Dowell, of Lawrence county, have had the same under consideration, and have instructed me to report it back to the senate, and recommend its passage with the accompanying amendment.

CLARKE, *Chairman.*

Which report was read and received.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the report taken up and read, and the amendment read as follows:

Strike out 'two hundred,' and insert in lieu 'one hundred and fifty,' before the word 'dollars' in the fifth line of the 1st section.

On further motion of Mr Clarke, the amendment was adopted.

And, on further motion of Mr Clarke, the bill as amended, was read a third time and passed.

Message from the governor by R. H. Johnson, Esq., his excellency's private secretary.

Mr President:

I am instructed by the governor, to report to the senate, that on the 22d of December, 1852, he approved and signed, "an act to make an addition to the limits of the city of Van Buren."

R. H. JOHNSON,
Private Secretary.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined "an act for the relief of William Harwick, of Monroe county," and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman*.

Mr Billingsley, from the committee on public roads, made the following

REPORT:

Mr President:

The committee on public roads, to whom was referred sundry senate bills and resolutions on the subject of roads and highways, have had the same under consideration, and beg leave to report the same back, with the following amendments to senate bill No. 27, and recommend the adoption of said bill, with the amendment proposed.

BILLINGSLEY, *Chairman*.

Repeal the 4th section of an act approved December 31st, 1850, and adopt the following section in lieu thereof:

Sec. 25. *Be it further enacted*, That it shall be the duty of the said road commissioners, or a majority of them, to pass over and examine the roads within their townships, at least once in every six months, and report to the term of the court then next succeeding, whether the roads under their supervision have been kept in good order, and upon failure to do so, they shall be fined in any sum not less than five nor more than ten dollars, said fine to be collected and applied as other fines are by the law by this act amended, collected and applied.

Amend the enacting clause of bill No. 27, by adding, after the word "assembly,' 'by the State of Arkansas.'

Add additional sections—

Be it further enacted, That if any person who may fail to work on any public road or highway in this state, after being duly notified, he appears within ten days before the justice of the peace having jurisdiction in such cases, and makes, upon oath, an excuse, deemed sufficient by such justice, he shall not be subject to any costs; but if he should fail to make such excuse within ten days, he shall be notified by the proper officer to appear before the justice having jurisdiction in such cases, and show cause why he failed to work on such road; and if, after a full hearing, he shall be excused, then, and in that case, all costs shall be paid by the overseer of such road, out of any money in his hands arising from fines imposed upon delinquent road workers, and if the overseer has no money on hand, he shall pay such costs out of the first money coming to his hands from such fines as may assessed on any delinquent road workers apportioned to him as such overseer, and the receipt of the constable having the collection of said costs shall be a sufficient voucher for such money or moneys so paid.

Be it further enacted, That all laws or parts of laws conflicting with the provisions of this act be, and the same are hereby repealed.

Which report was read and received.

Mr Bozeman, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred house bill No. 222, to be entitled 'an act to constitute Frances Spence a *feme sole,*' have had the same under consideration, and have instructed me to report the same back to the senate, without amendment, excepting a slight grammatical correction in last line of the first section, and recommend its passage.

BOZEMAN, *Chairman.*

Which report was read and received.

No. 120. Mr Izard, on leave, introduced a bill, to be entitled 'an act to erect and establish a seminary of learning in this state.'

Which was read a first time.

On motion of Mr Izard, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Huey, the bill was referred to the committee on education.

No. 121. Mr Huey, on leave, introduced a bill, to be entitled 'an act to constitute Mildred Chambers, wife of Thomas G. Chambers, of Calhoun county, a *feme sole.*'

Which was read a first time.

On motion of Mr Huey, the bill was referred to the committee on the judiciary.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 72, to be entitled 'an act to amend, in part, an act to fix the time of the circuit courts in the several judicial circuits in this state;" also, to senate bill No. 74, to be entitled 'an act to grant a charter to Messrs Hanger and Howell, for the purpose of building a toll bridge across Mill Creek, in Pope county, Arkansas;' also, to senate bill No. 91, te be entitled 'an act to incorporate the town of Dover, in Pope county;' also, to senate bill No. 116, to be entitled 'an act for the relief of James Penney, late sheriff of Sevier county.'

The house have concurred in the amendment of the Senate to house bill No. 116. to be entitled 'an act to revive portions of the 145th chapter of the Digest, under the head of schools and school lands;' all of which are herewith returned.

The house have passed bill No. 7, to be entitled 'an act for the relief of Minor Wallace;' also, house bill No. 101, to be entitled 'an act to amend an act entitled an act for the relief of the counties of Pope and Perry, approved December 31st, 1850;' also, house bill No. 43, to be entitled 'an act conferring upon Jane E. Sugg the privileges of a *feme sole;*' also, bill No. 89, to be entitled 'an act to change the county line dividing the counties of Union and Ouachita;' also, bill No. 156, to be entitled 'an act to dispose of the 16th section of land in Searcy county;' also, bill No. 267, to be entitled 'an act to authorize the clerk of the circuit court of the county of Marion to transcribe certain records in his office;' also, bill No. 274, to be entitled 'an act for the relief of John S. Winston, sheriff and collector of Polk county;' also, house bill No. 279, to be entitled 'an act to change in part the time of holding the circuit courts in the sixth judicial circuit in this state;' all of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The house of representatives have adopted a resolution, instructing our senators and requesting our representative, to use all necessary and proper means, to procure the enactment of a law by the Congress of the United States, providing for bringing into market the lands reserved from sale, in and about Old Fort Wayne, in Washington county, in this state;' which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

No. 122. Mr Chapman, on leave, introduced a bill, to be entitled 'an act requiring the clerks of the several county courts to sell certain school books.'

Which was read a first time.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Berry, the bill was referred to the committee on education.

On motion of Mr Miller, house bill No. 271, to be entitled 'an act to repeal the 13th section of an act incorporating the town of Ozark, in Franklin county,' was taken up, and read a first time.

On motion of Mr Miller, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Miller, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Underhill, the 'special order of the day,' being the governor's veto message, was taken up.

Mr Izard was called to the chair.

Mr Poindexter moved that the bill returned by the governor with the message, entitled 'an act for the relief of certain persons who have contracted to purchase lands from the state,' be taken up, and passed, the objections of the governor to the contrary notwithstanding.

The question was debated at length by Messrs Poindexter and Harrison, in support of the motion made by the former.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body that the house have passed a bill, to be entitled 'an act for the relief of Green B. Hughes, of Saline county;' which is herewith transmitted for the assent of the senate.

J. H. HOBBS,
Clerk of the House.

At the conclusion of Mr Harrison's remarks, on the motion of Mr Poindexter, Mr President proceeded to address the senate on the same subject.

But before he concluded, he gave way to Mr Lemoyne, on whose motion, the senate adjourned.

THOMAS B. HANLEY, *President.*

Friday, Dec. 24th, 1852.

The Senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozemam, Chapman, Clarke, Davidson, DeShongh, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Miller, Mitchell, Poindexter, Rose Underhill and Mr President—22.

Prayer by A. R. Winfield, chaplain

The journal of yesterday was read and approved.

Mr Chapman, from the committee on education, made the following

REPORT:

Mr President:

The committee on education, to whom was referred the bill, to authorize the sale of school books, have had the same under consideration, and recommend the following amendment:

Strike off the preamble, and insert the following: 'a bill entitled an act to provide for the sale of common school books, distributed among the several counties of this state.'

Strike out the words, 'said school books in possession,' in the 4th line, and insert the following in lieu thereof: 'in their possession, the school books that were distributed among the several counties under an act of the General Assembly of this state, approved February 3d, 1843.'

Which report was read and received.

On motion of Mr Berry, the report was taken up, and the amendments read and adopted.

On motion of Mr Chapman, the bill was ordered to be engrossed for a third reading.

Mr Bozeman, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred house bill No. 223, to legalize the sale of real estate sold by Wm. Anderson, guardian, have had the same under consideration, and have instructed me to report the same back to the senate without amendment, and recommend its passage.

BOZEMAN, *Chairman.*

Which report was read and received.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have examined 'an act for the relief of James Penney, late sheriff of Sevier county;' also, 'an act to incorporate the Van Buren Manufacturing Company,' and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have concurred in the amendments of the senate to house bill No. 73, to be entitled 'an act for the relief of the securities of James M. Bowden, as collector of revenue of White county for the year 1851;" and to house bill No. 44, to be entitled 'an act to incorporate the town of Searcy.'

The house of representatives have assented to senate bill No. 70, to be entitled 'an act to provide for a correct publication of the laws.'

Which is herewith returned.

They have adopted sundry amendments to senate bill No. 95, to be entitled 'an act to authorize Thomas J. Evans and William A. Ball, their heirs and assigns, to establish and keep a ferry across the Mississippi river at or near Helena;' in which the concurrence of the senate is respectfully asked.

The house of representatives have also passed the following bills;

House bill No. 176, to be entitled 'an act more accurately to define the jurisdiction of justices of the peace;" and, house bill No. 74, to be entitled 'an act to call in the scrip of White county."

Which are herewith transmitted for the assent of the senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Message from the governor by R. H. Johnson, his excellency's private secretary.

Mr President:

I am instructed by the governor, to report to the senate, that on the 23d of December, 1852, he approved and signed, 'an act for the relief of William Harvick, of Monroe county.'

On motion of Mr Miller, house bill No. 12, to be entitled 'an act to change in part the time of holding the courts in the 4th judicial district,' was taken up and read a first time.

On motion of Mr Miller, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Clarke, the bill was referred to a select committee, consisting of Messrs Clarke, Miller, Rose, Lemoyne, and Mitchell.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and house bill No. 279, to be entitled 'an act to change in part the time of holding the circuit courts in the 6th judicial district,' was taken up and read a first time.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

Mr Poindexter offered the following amendments:

Strike out the word, 'fourth,' in the 4th line of the 1st section, and insert in lieu thereof, 'fifth.'

Strike out the word, 'sixth,' in the 17th line, of the 1st section, and insert in lieu thereof, 'seventh.'

Strike out the word, 'ninth,' in the 20th line of the 1st section, and insert in lieu thereof, 'tenth.'

Which amendments were severally read and adopted.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill, as amended, read a third time, and passed.

The chair laid before the senate the following communication from C. C. Danley Esq., auditor of public accounts of the State of Arkansas:

Atditor's Ofeice,
Little Rock, Ark., Dec. 23d, 1852.

Hon. Thomas B. Hanley,
President of the Senate:

Sir: On the 13th day of Nov'r last, the secretary of the senate served the auditor with a copy of the following resolution:

Resolved, That the state auditor be directed to obtain from the clerks of the several counties in this state, information of the number of cases exceeding in amount of one hundred dollars, that have been adjudicated in each of said several counties, during the period of one year, immediately previous to the 1st of September last, and to report such information to the senate, at the earliest practicable time.

In obedience to which resolution, the auditor immediately addressed a circular letter to the clerks of the different counties, in order to obtain the desired information.

The clerks of forty-seven of the counties have furnished the information asked from them, which is herewith given to the senate:

in the accompanying statement, marked, "A.," and made a part of this letter.

It will be seen that the clerks of the counties of Chicot, Crawford, Green, Jackson, Mississippi and Monroe, have made no reports to this office as yet.

It is to be feared, that to wait for reports from all of the counties would delay the information, sought by the senate, until so near the adjournment, that it would be too late to form the basis of legislative action.

For this reason the accompanying list is sent in its present incomplete state.

Respectfully, your obedient servant,

C. C. DANLEY,

Auditor of Arkansas.

"A."

A STATEMENT, Showing the number of cases exceeding in amount of one hundred dollars, that have been adjudicated in each of the counties of this State, during the period of one year, immediately previous to the 1st of September, 1852, except from the counties of Chicot, Crawford, Green, Jackson, Mississippi and Monroe, from which no returns have been received.

	Counties.	*No of Suits.*		*Counties.*	*No of Suits.*
1	Arkansas,	28	31	Montgomery,	1
2	Ashley,	49	32	Newton,	3
3	Benton,	6	33	Ouachita,	76
4	Bradley,	11	34	Perry,	8
5	Carroll,	3	35	Phillips,	90
6	Chicot,		36	Pike,	7
7	Clark,	42	37	Poinsett,	9
8	Conway,	20	38	Polk,	none
9	Crittenden,	30	39	Pope,	19
10	Crawford,		40	Prairie,	13
11	Calhoun,	10	41	Pulaski,	139
12	Dallas,	94	42	Randolph,	58
13	Desha,	36	43	Saline,	8
14	Drew,	25	44	Scott,	4
15	Franklin,	28	45	Searcy,	1
16	Fulton,	8	46	Sevier,	16
17	Green,		47	St. Francis,	43
18	Hempstead,	55	48	Sebastian,	29
19	Hot Spring,	12		[and twenty-seven	
20	Independence,	70		repleven and other	
21	Izard,	4		cases, in which no	
22	Jackson,			sum is specified.]	
23	Jefferson,	36	49	Union,	234
24	Johnson,	15	50	Van Buren,	7
25	Lafayette,	25	51	Washington,	42
26	Lawrence,	13	52	White,	18
27	Madison,	none	53	Yell.	11
28	Marion,	5			
29	Mississippi,				
30	Monroe,				
				Total reported in 46 counties,	1,461

Average to each county, 31.

Which was read.

On motion of Mr Izard, Mr Lemoyne was added to the committee on education.

On motion of Mr Chapman, house bill No. 263, to be entitled 'an act to define specifically the law governing the management and disposition of section 16, in township 13 north, of range 6 west,' was taken up and read a second time.

And on further motion of Mr Chapman, the rules of the senate were dispensed with, the bill read a third time, and passed.

Mr Poindexter introduced the following

RESOLUTION:

Resolved, That the secretary of the senate be authorized, and he is hereby directed, to certify to the accounts of the printer of bills for the General Assembly, and upon said certificate the accounts shall be considered as allowed.

Which resolution was read and adopted.

On motion of Mr Berry, house bill No. 156, to be entitled 'an act to dispose of the sixteenth section of land in Searcy county,' was taken up and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Mitchell, the bill was referred to the committee on education.

Mr Mitchell presented a petition, signed by 29 citizens of Searcy county, living in township 15 north, of range 18 west, representing that, the 16th section in said township and range, was settled upon, improved and cultivated previous to the division of said township and range, by the government; and praying the passage of an act granting to such settlers the right of pre-emption.

Which was referred to the committee on education.

Message from the house of representatives, by the clerk.

Mr President:

I am instructed to present for your honor's signature, "an act to incorporate the town of Searcy;" 'an act to revive portions of the 145th chapter of the Digest of the statutes of Arkansas, under the head of Schools and School Lands;' and, 'an act for the relief of the securities of James M. Bowden, as collector of revenue of White county, for the year 1851.'

J. H. HOBBS,
Clerk of the House.

On motion of Mr Billingsley, senate bill No. 27, to be entitled 'an act to amend the statutes on the subject of public highways,' together with the report of the committee on roads and highways, reporting back said bill with amendments thereto, were taken up and read.

The amendments reported by the committee were read and adopted.

On motion of Mr Billingsley, the bill was ordered to be engrossed for a third reading.

Mr Berry, on leave, introduced a bill, to be entitled "an act to repeal, in part, an act approved January 11th, 1851, under the head of Common Schools."

Which was read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the bill was referred to the committee on education.

Mr Mitchell was called to the chair.

Mr. Ellis, on leave, introduced a bill, to be entitled 'an act to grant to William Carter and others the privilege of building and keeping mill dams across Eleven Points river, in Randolph county, State of Arkansas.'

Which was read a first time.

On motion of Mr Ellis, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Ellis, the bill was referred to a select committee of three, consisting of Messrs Ellis, Hawkins and Fletcher.

On motion of Mr Chapman, leave of absence was granted Mr Miller for an indefinite period of time.

On motion of Mr Berry, house bill No. 205, to be entitled 'an act to place that part of the United States road, that passes through Izard county, under the jurisdiction of the county court of said county,' was taken up, and read a second time.

On motion of Mr Chapman, the bill was referred to the committee on public roads.

Mr Lemoyne, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred senate bill No. 34, entitled 'an act to sell the saline lands belonging to the State of Arkansas, and appropriate the proceeds thereof to common school purposes,' have had the same under consideration, and have instructed me to report the same back to the senate, with the following amendments, and recommend their passage, and with such amendments, the passage of the bill.

Strike out 'one dollar and twenty-five cents,' wherever it occurs, and insert 'two dollars,' in lieu thereof.

Add the following substitute for section six:

Sec. 6. *Be it further enacted*, That any person residing, and having any improvement on any saline lands in this state, shall be entitled to the pre-emption on the same, with the privilege of entering the same, at the rate of two dollars per acre; *Provided*, He or she make proof of the fact before the land agent, or other officer, who may have the disposition of the saline lands, and pay into the treasury one fifth of the purchase money, and enter into bonds to the state for the balance, in five equal installments, conditioned as provided in section one of this act.

LEMOYNE, *Chairman.*

Which report was read and received.

On motion of Mr Berry, House bill No 176, to be entitled 'an act more accurately to define the jurisdiction of the justices of the peace,' was taken up, and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the bill was referred to the committee on the judiciary.

No. 125. Mr DeShongh, on leave, introduced a bill, to be entitled "an act to incorporate the Augusta and Memphis Railroad Company."

Which was read a first time.

On motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Harley, the bill was referred to the committee on internal improvements.

Mr Harley, on leave, introduced the following

RESOLUTION:

Resolved, That the committee on the judiciary be instructed to report back to the senate a bill heretofore referred to said committee, 'to prevent the sacrifice of real estate, sold under execution, deeds of trust, and decrees in chancery.'

Which was read, and after debate, adopted.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 64, to be entitled 'an act for the relief of the heirs of David Delaney, deceased;' which is herewith returned.

The house of representatives have passed house bill No. 278, to be entitled 'an act to permit guardians to hire out negroes at private hiring;' which is herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr President resumed the chair.

On motion of Mr Chapman, house bill No. 264, to be entitled 'an act to grant a charter to Isaac Gray, for the purpose of erecting a toll bridge across Cache river, on the road leading from Augusta, in Jackson county, to Memphis, and to make a turnpike road across the bottom near said river,' was taken up, and read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on motion of Mr Izard, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Bozeman, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred house bill No. 218, to be entitled 'an act for the benefit of certain minor heirs,' have had the same under consideration, and have instructed me to report the same, to amend the second section, and third line, by striking out the word 'minors,' and insert the word 'slaves,' and recommend its passage.

BOZEMAN, *Chairman.*

Which was read and received.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill and report taken up.

On further motion of Mr Berry, the amendment was read and adopted.

On motion of Mr Billingsley, the rules of the senate were dispensed with, the bill, as amended, read a third time, and passed.

On motion of Mr Clarke, the resolutions of the senate, instructing our senators and requesting our representative in Congress, to use all honorable means, to procure the recognition of the proposed Arkansas Central Railroad route, leading from opposite Memphis to Fulton, as a national highway to the Pacific ocean, were taken up, read a second time, and passed.

On motion of Mr Berry, the amendments of the house of representatives to senate bill No. 95, to be entitled 'an act to authorize Thomas J. Evans and William A. Ball, their heirs and assigns, to establish and keep a ferry across the Mississippi river, at or near Helena,' were taken up, read and concurred in.

On motion of Mr Hawkins, house bill No. 111, to be entitled 'an act for the relief of the representatives of Redrick Kelly,' was taken up, and read a first time.

On further motion of Mr Hawkins, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Hawkins, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Underhill, senate bill No. 63, to be entitled 'an act to authorize a geological examination of the State of Arkansas,' was taken up, read a third time, and passed.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed house bill No. 252, to be entitled 'an act to incorporate the Batesville and Grand Glaze Rail or Plank Road Company;' which is herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Huey introduced the following

RESOLUTION:

Resolved, That the secretary of the senate certify the account of George Berryman, for fifteen dollars, for repairing 12 chairs for the senate, under the joint resolution heretofore adopted, requiring the secretary of the senate and clerk of the house of representatives to certify all accounts for contingent expenses of the houses.

Which was read and adopted.

Mr Mitchell, from the committee on enrolled bills, made the folling

REPORT:

Mr President:

The committee on enrollments have instructed me to report a bill to be entitled "an act for the relief of the heirs of David Delaney, deceased," correctly enrolled.

MITCHELL, *Chairman.*

Mr Huey introduced the following

RESOLUTION:

Resolved, That the two houses of the General Assembly of this State, go into the election of secretary of state and land attorney this day, at 3 o'clock, P M.

Which was read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the resolution taken up and read a second time.

Mr Underhill moved to amend the resolution by striking out 'this day,' and inserting the '1st Monday in January nnext,' in lieu thereof.

On motion of Mr Izard, the resolution and amendment were laid on the table for the present.

No. 126. Mr Huey, on leave, introduced a bill to be entitled 'an act for the relief of the president, directors and stockholders of the Mississippi, Ouachita and Red river railroad company."

Which was read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time and passed.

Mr Harrison was called to the chair.

No. 137. Mr Huey, on leave introduced, a bill to be entitled 'an act to incorporate the Cairo and Fulton Railroad Company.'

Which was read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Chapman the bill was referred to the committee on internal improvements.

Mr Berry, from the the committee on enrolled bills made the following

REPORT:

Mr President:

I have this day delivered to the governor for his approval an act for the relief of the heirs of David Delaney, deceased.

BERRY, *One of the Committee.*

On motion of Mr Chapman, house bill No. [illegible], to be entitled "an act to incorporate the Batesville and Grand Glaize Railroad or Plankroad Company," was taken up and read a first time.

On further motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr President, the bill was referred to the committee on internal improvements.

On motion of Mr President, the senate adjourned until Monday morning, 10 o'clock.

THOMAS B. HANLEY, *President.*

Monday, Dec. 27th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berty, Billingsley, Bozeman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

Prayer by the Rev. Andrew Hunter.

The journal of Friday, the 24th instant, was read and approved.

Mr Huey introduced the following resolution.

Resolved, That the committee on enrolled bills be requested to enquire into, and report the reason why bills are not enrolled as soon as possible after they are sent to the enrolling clerk of the senate.

Which was read and adopted.

Mr Huey introduced the following

RESOLUTION:

Resolved, That the two houses of this General Assembly do adjourn *sine die*, on Monday the 10th of January next, at 11 o'clock, A. M.

Which was read, and laid on the table one day, under the rule.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, have had under consideration, senate bill No. 106, to be entitled "an act to incorporate the Arkansas Mining, Manufacturing and Chemical Company, and have instructed me to report the same back amended, by striking out the 17th section after the word, 'taxes,' in the 2d line of said section, and inserting in lieu thereof, 'for the term of five years; *Provided*, That nothing contained in this act shall be so construed as to exempt the lands and personal property of said company from taxation,' and recommend its passage.

UNDERHILL, *Chairman*.

Which report was read and received.

On motion of Mr. Underhill, the rules of the senate were dispensed with, and the report and bill taken up.

On motion of Mr Underhill, the amendment was read and adopted.

On motion of Mr Izard, the bill as amended, was read a third time, and passed.

Mr Harley moved to suspend the rules of the senate, and take up house bill No. 278, to be entitled 'an act to regulate the hiring of negroes by guardians.'

Which motion, after debate was lost.

Mr Billingsley, from the committee on public roads, made the following

REPORT:

Mr President:

The committee on public roads, to whom was referred house bill ——, to be entitled 'an act to place that part of the United States' road that passes through Izard county, under the jurisdiction of the county court of Izard county,' have had the same under consideration, and have instructed me to report the same back to the senate, and recommend its passage.

BILLINGSLEY, *Chairman*.

Which report was read and received.

Mr Ellis, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred senate bill No. 124, to be entitled 'an act to grant to William Carter and others, the privilege of building and keeping mill-dams across Eleven Points river, in Randolph county, State of Arkansas, have had the same under consideration, and herewith return the same, and recommend its pasage.

ELLIS, *Chairman*.

Which report was read and received.

Mr Clarke, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred house bill No 12, entitled 'an act to change in part the time of holding the courts in the 4th judicial circuit,' have had the same under consideration, and have instructed me to report it back, with the amendment—a 3d section—and recommend its passage.

CLARKE, *Chairman*.

Amend as follows:

Sec. 3. *Be it further enacted,* That this act shall be in force from and after the 3d May, 1853.

Which report was read and received.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill and report taken up.

On further motion of Mr Clarke, the amendment was read and adopted.

And on further motion of Mr Clarke, the bill, as amended, was read a third time, and passed.

It was then returned to the house of representatives.

On motion of Mr Lemoyne, house bill No. 218, to be entitled 'an act to regulate the hiring of negroes by guardians,' was taken up and read a first time.

On motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Harley, the rules of the senate were again dispensed with, and the the bill read a third time and passed.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 54, to be entitled 'an act to defray the expenses of the inauguration of the governor.'

Which is herewith returned.

The house of representatives have passed bill No. 281, to be entitled 'an act supplementary to an act approved 11th January, 1851, authorizing the land agent to sell certain land;' also, bill No. 282, to be entitled 'an act for the relief of the children of Robert Love, deceased, of Desha county.'

Both of which are herewith transmitted for the assent of the senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the two clerks of the two houses receive for their services six dollars per day, the same pay received by the two clerks of the last session, during the present session of this General Assembly, and that the senate be requested to concur herein.

Which is herewith transmitted for the consent of your honorable body; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Davidson was called to the chair.

No. 128. Mr Izard, on leave, introduced a bill, to be entitled 'an act to create a board of internal improvement commissioners in the State of Arkansas, and for other purposes.'

Which was read a first time.

Mr Clarke moved a call of the senate, which motion prevailed. The following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

Mr Clarke withdrew his motion for a further call of the senate.

On motion of Mr Izard, the rules of the senate were dispensed with, senate bill No. 128, to be entitled 'an act to create a board of internal improvement commissioners in the State of Arkansas, and for other puposes," was read a second time.

On motion of Mr Huey, the bill was referred to the committee on internal improvements.

On motion of Mr Izard, 500 copies of the bill was ordered to be printed.

Mr Clarke introduced the following

RESOLUTION:

Resolved, That a select committee be appointed to enquire into the circumstances under which the Hon. Franklin DeShongh drew pay and mileage from the state treasury, as a member of this body, on 24th December, 1852.

Which was read and adopted.

The chair appointed Messrs Clarke, Harley and Harrison such select committee.

No. 129. Mr Underhill, on leave, introduced a bill, to be entitled 'an act to incorporate the Memphis and Little Rock Railroad Company.'

Which was read a first time.

On motion of Mr Underhill, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Underhill, the rules of the senate were again dispensed with, and the bill read a third time, and passed.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act to repeal the 13th sec. of an act entitled an act to incorporate the town of Ozark, approved Dec. 17th, 1850;' also, 'an act to define specifically, the law governing the management and disposition of section 10, township 13 north, of range 6 west.

J. H. HOBBS,
Clerk of the House.

No. 130. Mr Fletcher, on leave, introduced a bill, to be entitled 'an act to change the name of Mary Boyd to the name of Mary Olivia Hansbury.'

Which was read a first time.

On motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

No. 131. Mr Harrison, on leave, introduced a bill, to be entitled 'an act to incorporate the President and Trustees of the Lacy Male and Female Academy.'

Which was read a first time.

On motion of Mr Henson, the rules of the senate were dispensed with, the bill read a third time, and passed.

No. 132. Mr Ellis, on leave, introduced a bill, to be entitled 'an act to call in the scrip of Desha county.'

Which was read a first time.

On motion of Mr Ellis, the rules of the senate were dispensed with, and the bill read a second time.

Mr Izard moved to amend the bill, by striking out all from the word, 'year,' in the 17th line, to the word, 'one,' in the 18th line, of the 1st section.

After debate, and before the question was decided, Mr Izard, by leave of the senate, withdrew his motion.

Message from the governor, by R. H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the senate, that on the 24th December, 1852, he approved and signed 'an act to incorporate the Van Buren Manufacturing Company;' 'an act to call in the scrip of Marion county;' 'an act for the relief of the heirs of David Delaney, deceased,' and, 'an act for the relief of James Penney, late sheriff of Sevier county.'

R. H. JOHNSON,
Private Secretary.

Mr President resumed the chair.

Mr Harrison moved to amend senate bill No. 122, to be entiled 'an act to call in the scrip of Desha county,' by striking out the second section.

Which motion, after debate, was lost.

On motion of Mr Ellis, the rules of the senate were dispensed with, the bill read a third time, and passed.

No. 133. Mr Clarke, on leave, introduced a bill, to be entitled 'an act to change the name of Lydia Ann Caroline Augusta Johnson to Lydia Ann Caroline Augusta Jackson.'

Which was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Clarke, the rules of the senate were again dispensed with, the bill read a third time, and passed.

No. 134. Mr Harrison, on leave, introduced a bill, to be entitled 'an act to authorize and allow foreign guardians to remove from this state the property of their wards.'

Which was read a first time.

On motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Harrison, the bill was referred to the committee on the judiciary.

On motion of Mr Berry, the resolution of the house of representatives, proposing to pay the clerks of the two houses six dollars per day, during the present session, was taken up, and read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the resolution taken up, and read a second time.

Mr Lemoyne moved to amend the resolution, by adding, 'and that the clerks of the bank committee be allowed five dollars per day, during the time they have been employed.

Mr Poindexter moved to amend the amendment, by adding, 'and that the chairman of the respective bank committee certify the number of days such clerks have been engaged in the necessary discharge of their duties.

Which was accepted by Mr Lemoyne.

Mr Huey moved to amend the resolution, by striking out 'clerks of the two houses,' and inserting, in lieu thereof, 'secretary and assistant secretary of the senate, and principal assistant clerks of the house of representatives.'

On motion of Mr Davidson, the resolution and amendment were laid on the table indefinitely.

On motion of Mr Harrison, senate bill No. 115, to be entitled 'an act to constitute Louisa Americus Taylor, an heir and legal representative of James C. Glennin,' was taken up, and read a second time.

On further motion of Mr Harrison, the rules were dispensed with, said bill read a third time, and passed.

On motion of Mr Berry, senate bill No. 84, to be entitled 'an act for the relief of Henderson P. Holmes,' was taken up.

Mr Underhill moved to refer said bill to the committee on state lands.

Mr Underhill afterwards withdrew said motion, and moved that said bill lie on the table for the present.

Which motion carried.

No. 135. Mr Huey, on leave, introduced a bill, to be entitled 'an act to pay clerks of the bank committee.'

Which was read a first time.

On motion of Mr Lemoyne, the rules were suspended, and said bill read a second time.

Mr Clarke offered the following amendment to said bill, by way of an additional section:

Sec. 2. *Be it further enacted*, That the secretary of the senate and clerk of the house of representatives shall each receive the sum of six dollars per day, for their services during the present session of the General Assembly.

Which amendment was adopted.

Mr Berry moved to amend the bill, by inserting therein, 'and assistant secretary and assistant clerk,' and called for the yeas and nays on said motion, which call was sustained, and the roll called.

Yeas.—Messrs Berry, Burrow, Fletcher, Harrison and Hawkins —5.

Nays.—Messrs Billingsley, Bozeman, Clarke, Davidson, Ellis, Harley, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—14.

So the senate refused to adopt said amendment.

On motion of Mr Huey, the rules were suspended, said bill read a third time, and passed.

On motion of Mr Clarke, senate bill No. 89, to be entitled 'an act to amend the laws in relation to roads and highways,' was taken up.

Mr Billingsley was called to the chair.

Mr Underhill moved that said bill be engrossed, and ordered to a second reading on to-morrow.

Mr Izard moved to lay said bill on the table indefinitely, and called for the yeas and nay; which call was sustained, and the roll called.

Yeas.—Messrs Berry, Bozeman, Burrow, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Izard, Lemoyne, Mitchell, Poindexter and Mr President—14.

Nays.—Messrs Billingsley, Clarke, Rose and Underhill—4.

So said billl was laid on the table indefinitely.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have concurred in the first amendment of the senate to house bill No. 188, to be entitled 'an act to facilitate the convenience of assessing and collecting taxes;" and that they refuse to concur in the second amendment to said bill, in regard to exempting the counties of Mississippi and Crittenden from the provisions of said bill; all of which are herewith returned.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Harley, the message of the house of representatives, just received, was taken up and read.

Mr Harley moved that the senate recede from their amendment, exempting the counties of Crittenden and Mississippi from the operation of the bill of the house of representatives No. 188, to be entitled 'an act to facilitate the convenience of assessing and collecting taxes,' mentioned in said message.

Mr Underhill objected, and moved that the senate adhere to their amendment.

After debate, the question was taken on the motion of Mr Harley to recede, and decided in the negative.

The question was then taken on Mr Underhill's motion, and decided in the affirmative.

Mr Underhill moved that a committee of conference be appointed, on the disagreement between the two houses on said amendment.

Which motion prevailed.

The chair appointed Messrs Underhill, Izard and Poindexter, a committee on the part of the senate.

On motion of Mr Underhill, the senate adjourned.

THOMAS B. HANLEY, *President.*

Tuesday morning, Dec. 28th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names.

Messrs Berry, Billingsley, Bozeman, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—17.

Prayer by Rev. A. R. Winfield, chaplain.

On motion of Mr Huey, James M. Tebbetts was requested to act as secretary, *pro tempore,* during the absence of Mr Ross, and Messrs Huey, Mitchell and Berry were appointed a committee to wait on Mr Tebbetts, and inform him thereof.

A short time having elapsed, said committee reported that they had waited on Mr Tebbetts, and that he signified his willingness to act as secretary of the senate during the absence of Mr Ross.

Mr Tebbetts then appeared within the bar of the senate chamber, took upon himself the oath of office, and entered upon the discharge of his duties.

On motion of Mr Berry, the reading of the journal of yesterday was dispensed with.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, have had under consideration house bill No. 252, to be entitled 'an act to incorporporate the Grand Glaze Rail or Plank Road Company,' and have instructed me to report the same back with the following amendment, and recommend its passage:

Add after the word, 'established,' in the last line of the 18th section; '*Provided*, That the General Assembly hereby reserve the right to, hereafter, change or modify the tolls fixed and established by said company.'

UNDERHILL, *Chairman.*

Which report was received.

On motion of Mr Izard, the senate took up the bill accompanying said report.

On motion of Mr Underhill, the amendment proposed by the committee, was adopted.

Mr Underhill offered the following amendment to said bill:

Sec. 19. That from and after the expiration of 99 years from the granting of this charter, all the privileges, immunities and franchises herein granted, shall cease and revert back to the state.

Which amendment was adopted.

Mr Izard moved to fill up the blank, in the 3d line of the 3d section, with the word, 'five.'

Which amendment was adopted.

On motion of Mr Izard, the rules were dispensed with, said bill read a third time, and passed.

Mr Rose was called to the chair.

Mr Berry introduced the following

RESOLUTION:

Resolved, That leave of absence shall not hereafter be granted to any member of the senate without good cause first being shown; and any member leaving without such permission, shall not have pay for the time he is absent.

Which was adopted.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, have had under consideration, senate bill No. 127, to be entitled 'an act to incorporate the Fulton and Little Rock Railroad Company,' and have instructed me to report the same back with the following amendments, and recommend its passage:

Amend 1st section by striking out all after the name of 'Basil C. Harley,' in the 1st line, and insert in lieu thereof, 'James M. Curran, A. Fowler, C. Coldwell, W. E. Davidson, Abijah Allen, O. P. Lyles, Thomas Peters, Robinson, Topp and George Griswold.'

Amend the 6th section by striking out all after the name of 'B. C. Harley,' in the 5th line, to the word, 'for,' in the 10th line, and insert in lieu thereof, 'James M. Curran, A. Fowler, C. Coldwell, W. E. Davidson, Abijah Allen, O. P. Lyles, Thomas Peters, Robinson Topp and George Griswold.'

Amend the 11th section, by striking out the word, 'forever,' in the 2d line, and inserting in lieu thereof, 'for the term of fifty years.'

Amend the 13th section by striking all out after the word, 'acts,' in the 2d line, and insert in lieu thereof, 'and that from and after the expiration of 99 years from the granting of this charter, all the immunities, rights, privileges and franchises, corporate, endowments and powers herein granted, shall cease and revert back to the state; and this act be in force from and after its passage.'

UNDERHILL, *Chairman.*

On motion of Mr Poindexter, senate bill No. 119, to be entitled 'an act to prevent persons from selling spiritous liquors to slaves, and for other purposes,' was taken up, and read a third time.

Mr Bozeman offered the following amendment by way of rider.

To amend by adding another section:

Evey person who shall buy, sell or receive from any slave any commodity, of any kind or description, without the leave or consent or written permit of the master, owner or overseer of such slave, or writing expressing the articles permitted to be sold or bartered, first obtained, shall, on conviction, be fined in a sum not less than ten nor more than one hundred dollars; and this act shall be given in charge to the grand jury; and such fines shall go to the common school fund.

Which amendment was accepted by Mr Poindexter.

Mr Lemoyne moved to lay said bill and amendment on the table.

Mr Poindexter called for the yeas and nays upon said motion; which call was sustained, and the roll called.

Yeas.—Messrs Ellis and Lemoyne—2.

Nays.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

So said motion was lost.

Mr Berry moved to lay the amendment on the table.

Mr Lemoyne called for the yeas and nays on said motion; which call was sustained, and the roll called.

Yeas.—Messrs Berry, Billingsley, Ellis, Harley, Harrison, Lemoyne, Maxwell, Mitchell, Poindexter, Rose and Mr President—11.

Nays.—Messrs Bozeman, Burrow, Clarke, Davidson, Fletcher, Hawkins, Huey, Izard and Underhill—9.

So said amendment was laid on the table.

The question now arose on the final passage of the bill, which was decided in the affirmative, and the bill passed.

On motion of Mr Billingsley, Senate bill No. 27, to be entitled 'an act to amend the statutes on the subject of roads and highways,' was taken up.

Mr Huey called for the previous question, which call was not sustained.

Mr Harley offered the following amendment to said bill:

Amend by way of rider.

That it shall be the duty of all grand jurors, justices of the peace and constables within the limits of each county in this state, to appear before the grand jury, at each term of the circuit courts of their respective counties, for the purpose of giving information to the grand juries, in regard to the condition of all the neighborhoods. And it is hereby made the duty of said grand juries to find bills of inditement against each overseer of roads, as may have neglected to keep the roads, of which they are overseers, in such condition as the law of this state requires; and upon conviction thereof, such overseer shall be fined for each neglect of duty, not less than ten nor more than fifty dollars, at the discretion of the court.

Mr Harley moved to recommit the bill and amendment to a select committee.

Mr Billingsley called for the yeas and nays upon said motion; which call was sustained, and the roll called.

Yeas.—Messrs Bozeman, Harley, Harrison, Hawkins, Huey, Lemoyne, Maxwell, Mitchell, Poindexter and Rose—10.

Nays.—Messrs Berry Billingsley, Burrow, Clarke, Davidson, Ellis, Fletcher, Underhill and Mr President—10.

So the motion to recommit was lost.

Mr Huey moved to lay said amendment on the table.

Mr Harley called for the yeas and nays on said motion; which call was sustained, and the roll called.

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Davidson, Ellis, Fletcher, Hawkins, Huey, Izard, Mitchell, Poindexter, Rose and Mr President—14.

Nays.—Messrs Clarke, Harley, Harrison, Lemoyne, Mitchell and Underhill—6.

So said amendment was laid on the table.

Mr Clarke offered the following amendment:

Sec. —— *Be it further enacted*, That no person shall be exempted from working on roads, excepting in caess of sickness and absence from the county of their residence; and that all laws in conflict with this act, be, and they are hereby, repealed.

Mr Lemoyne moved to lay said amendment on the table.

Mr Clarke called for the yeas and nays on said motion; which call was sustained, and the roll called.

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Davidson, Ellis, Fletcher, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Mitchell and Poindexter—15.

Nays.—Messrs Clarke, Harley, Rose, Underhill and Mr President—5.

So said amendment was laid on the table.

On motion of Mr Billingsley, said bill was read a third time on its final passage.

Mr Clarke called for the yeas and nays on the final passage of the bill; which call was sustained and the roll called.

Yeas.—Messrs Berry, Billingsley, Burrow, Ellis, Fletcher, Harley, Harrison, Huey, Izard, Lemoyne, Maxwell, Poindexter, Rose, Underhill and Mr. President—15.

Nays.—Messrs Clarke, Davidson, Hawkins and Mitchell—4.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 39, to be entitled 'an act to increase the pay of the supreme judges;' also, to senate bill No. 36, to be entitled 'an act to divide the State of Arkansas into two congressional districts;' also, to bill No. 75, to be entitled 'an act to increase the salaries of the circuit judges;' also, to bill No. 83, to be entitled 'an act to appropriate $200 to furnish the executive chamber,' with an amendment thereto, in which your honorable body is respectfully asked to concur.

The house of representatives have rejected senate bill No. 29, to be entitled 'an act to change the time of holding the probate court in the county of Franklin, and for other purposes.'

The house have concurred in the first amendment offered by the senate to house bill No. 145, to be entitled 'an act to amend chapter 138 of the Digest, under the head of the revenue of counties,' and refused to concur in the second amendment offered by the senate to said bill.

The house of representatives have also rejected senate bill No. 107, to be entitled 'an act for the relief of William Daniel.'

The house have assented to senate bill No. 96, to be entitled 'an act to confirm the sale of section 16, township 8 N., of range 32 W.; all of which are herewith returned.

The house of representatives have concurred in the following joint resolutions of the senate:

A joint resolution, asking our delegation in Congress, to use their best endeavors to procure the establishment of a mail weekly from Dover, *via* Borland, to Yellville, in Marion county, in this state.

Also, a joint resolution, instructing our senators and requesting our representative, to procure the establishment of a one horse mail route, from Van Buren, *via* the residence of Lee C. Blakemore and Joseph Bryant, to Fayetteville, Arkansas.

Also, to senate joint resolution, requesting our delegation in Congress to use their influence, to have a mail route from Little Rock to Clinton, *via* Springfield, Conway county, Arkansas.

Also, senate joint resolution, instructing the secretary of state to transmit authenticated copies of all memorials and resolutions to our delegation in Congress, as soon as they pass the General Assembly, receive the signature of the speaker of the house of representatives, the president of the senate, and the approval of the governor.

Also, a joint resolution, instructing our senators and requesting our representative, to use their influence to procure the establishment of a mail route from Carrollton to Rockbridge, Missouri, *via* Worth P. O., in Marion county, Arkansas.

All of which are herewith returned.

The house of representatives have passed bill No. 99, to be entitled 'an act to prevent slaves being employed in retail groceries or dram-shops;' which is herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Burrow, from the committee on the judiciary, on leave, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill, to be entitled 'an act concerning negotiable paper,' have considered the same, and find it obnoxious to good policy.

As the law now stands, set offs are allowed against notes, if the maker have a set off to plead against the note, notwithstanding the note may be in the hands of a third person. Your committee believe the law is right as it now stands, and that the bill under consideration is wrong, because its provisions would enable one part of the comunity to swindle another. Your committee, therefore, direct me to report the bill back to the senate, and advise its (annihilation) rejection. BURROW, *Chairman*.

Which report was accepted.

Mr Burrow, from the committee on the judiciary, to whom was referred house bill No. 178, to be entitled 'an act to prevent slaves from owning or claiming, in their own right, horse or horses, or or other property,' made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred house bill No. 178, entitled 'an act to prevent slaves from owning or claiming, in their own right, any horse or horses, or other property,' have considered thereof, and direct me to report the same back to the senate, and advise the rejection of the proposed statute.

Your committee are of opinion that the bill is an absurdity in its face.

The bill proposes to indict and punish masters, for permitting slaves to own, use, claim or enjoy any horse, mare or mule, neat cattle, hogs or sheep.

1st. By the existing laws of the land, a slave is totally incompetent to hold, or own, as of his own right, property of any kind whatever. Why then legislate to prevent a thing which is already legally impossible.

But, 2dly, The bill proposes to indict the master, if the slave claims property, as of his own right. Under this clause of the proposed act, if some inquisitive person should inquire of a slave, whether certain property in his possession belonged to him or his master, and the slave were to answer that the property belonged to the slave, and not the master, this would, under the bill, be sufficient testimony by which to convict the master, if the testimony of slaves were admissable against their owners. But as their testimony would be inadmissable, and inasmuch as the existing law makes slaves incompetent to hold property, therefore, this clause about claiming property is an absurdity.

But, in the 3d place, the act proposes to prohibit the use and enjoyment of property to slaves. Under this provision a master would be indictable if he allowed his slave to use and enjoy a horse, or mule, neat cattle, hogs, or sheep. If this clause has any sense in it at all, it would prevent a slave from riding a horse or a mule to the church, post office, or after a doctor, and would necessarily, make the master send the slave on foot. All this the section means, and intends, or else it is an *absurdity*. As for the use and enjoyment of neat cattle, hogs, and sheep, which the same section denies to slaves, your committee are of opinion that the proposed statute, if it be not an absurdity, would prevent a slave from drinking milk, or wearing woolen clothes produced on the plantation where the slave labors; and as for "the use and enjoyment of hogs," as interdicted by the proposed statute to slaves, your committee see no way in which a hog can be used or enjoyed except by making food thereof. If this be the only use and enjoyment in this connection, then the slave is clearly prohibited by the statute, from eating the flesh of the hog by this bill as he also would be from eating beef or mutton.

Your committee are of opinion that the statute proposed, is, in all respects, an absurdity; and that no legislation in this connection is required. The interest of the master, and the good sense of the community, will sufficiently check the liberality in masters, of which this bill seems to complain.

BURROW, *Chairman.*

Which report was received.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to present for your honor's signature, 'an act for the relief of the representatives of Redrick Kelley;' also, 'an act to grant a charter to Isaac Gray, to erect a bridge across Cache river, on the road leading from Augusta, in Jackson county, to Memphis, and to build a turnpike across the bottom near said river;' also, 'an act to permit guardians to hire out negroes at private hiring."

J. H. HOBBS,
Clerk of the House.

Mr Burrow from the committee on the judiciary, made the following

REPORT:

Mr. President:

The committee on the judiciary, to whom was referred senate bill, No. 62, to be entitled, 'an act to prevent the sacrifice of real estate, sold under execution, decrees in chancery and deeds of trust,' have considered well of the same, and advise me to return the proposed act to the senate; and recommend its rejection.

Your committee see in this bill an effort to engraft a new and doubtful policy upon our laws. The bill proposes to allow real estate to be redeemed in two years after sale under execution, by the payment of the purchase money, ten per cent. interest, and costs, and the provision is extended, not only to original owners of real estate, but the same privilege is extended to all creditors, who choose to come in and supercede the first purchaser. The obvious effect of these provisions, is to prevent capitalists, creditors and others, from investing money in lands sold at execution sale, because all such investments will amount to nothing more than a loan of money at ten per cent.; thus compelling a creditor who has indulged his debtor for years, to credit him two years longer. If the general assembly is prepared to pass a law to stay debts at 10 per cent. interest for two years, then your committee would recommend that a plain statute, easily to be comprehended, be passed; but your committee believe that enough has been done by this general assembly by way of legislating for the debtor class of the community. If your committee be not mistaken, an act has been passed by the senate at its present session, for the extension of the stay laws, and a law has also been passed exempting 160 acres of land from sale; thus, much of property is withdrawn from the merchantable list, and list of property subject to sale. If in addition to these fetters on so vast a quantity of real estate, we now fetter the fair *bona fide* sale of all the remaining lands in the state by the passage of this unwise act, then we shall have no land in the state subject to execution sale; for experience shows, that in states where laws similar to the one here proposed exists, the effect has been to leave creditors to execute personal property, and refuse levies upon real estate.

Your committee are of opinion, that it would be better to pass an act at once to stay the demands of the creditor for two years before he was allowed to sell the lands executed, rather than pass such a statute as this bill proposes, because the effect would be much the same, and the stay law would be much the plainest, and involve much less expense and trouble. Your committee believe, that, in view of the many perplexing questions which would necessarily arise, and become connected with the administration of the proposed law, and in view of the fact taught by experience, that all land would be virtually excluded from the list of property subject to execution sale, that it would be better at once to pass a law exempting all land from execution sale. The effect of the two measures would be, to a great extent, the same, whilst the total exemption would have the advantage of boldness, candor, sincerity and direct intention, all without expense, whilst the proposed act tends in the same direction, and is void of all the virtues enumerated in connection with the general exemption.

Your committee do not advise a total exemption of land from execution sale; but as liberal exemptions have recently been made in shape of homesteads to any and all families in the state, covering the greater portion of all the improved lands in the state, and as the act under consideration proposes to entangle the sale of all remaining lands in the state, your committee are of opinion, that a general and total exemption would be preferable under the circumstances to this bill.

The policy of this state has been to avoid such acts and measures as this; and it has been held to be to the advantage of the debtor, that sales of his property should be positive and *bona fide*, for they inspire confidence of money holders, and also causes the debtor to make proper exertions in good time. The supposed favor extended by this act only lulls the fears of the debtor for two additional years, when desolation comes more certainly than it would have done at first. Then, as this bill proposes an opiate for the unfortunate debtor, and death for the creditor, and a general entangling of the laws in relation to selling land under execution, your committee direct me to return the same to the senate, laden with the maledictions of the committee, and advise its exclusion from the statute books.

BURROW, *Chairman.*

On motion of Mr Harley the bill accompanying said report was taken up.

Mr President moved that said bill be laid on the table until to-morrow; which motion prevailed.

Mr Huey from the committee on education, made the following

REPORT:

Mr President:

The standing committee on education, to whom was referred senate bill No. 120, to be entitled "an act to erect and establish a seminary of learning in this state," report that they have had the same under consideration, and have instructed me to report the same back to the senate without amendment, and recommend its passage.

HUEY, *One of the Committee.*

Which report was received.

On motion of Mr Lemoyne, the joint resolution of the senate, proposing to amend the 29th section of the 4th article of the constitution, was taken up, and read a second time.

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harrison, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

Nays.—Messrs Harley and Maxwell—2.

So said resolution was passed to a third reading.

On motion of Mr Underhill, the senate adjourned.

THOMAS B. HANLEY, *President.*

Wednesday, Dec. 27th, 1852.

The Senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozemam, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Poindexter, Rose, Underhill and Mr President—19.

Prayer by A. R. Winfield, chaplain

The journal of yesterday was read and approved.

Mr President laid before the senate the following communication:

Little Rock, Dec. 29th, 1852.

To the President of the Arkansas State Senate:

Dear Sir: Particular circumstances move me to tender to you my resignation as enrolling clerk of the honorable body over which you preside. I hereby return to you, and through you to the members of the senate, my kind regard for the honor which I now resign into the hands of those who gave me the office in question.

Respectfully your humble ob't serv't,

EZRA McCALL TATE.

Mr Billingsley presented the memorial of the Rev. Joshua F. Green, praying the modification of section 7 and the repeal of section 8, of article 5th, of chapter 51 of the statutes of the state.

Mr Huey was called to the chair.

On motion of Mr Clarke said memorial was taken up.

Mr Clarke moved that said memorial be referred to the committee on memorials; which motion carried.

Mr Clarke moved that 100 copies of said memorial be printed for the use of the General Assembly; upon which motion, Mr President called for the yeas and nays; which call was sustained, and the roll called.

Yeas.—Billingsley, Bozeman, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—17.

[The negative vote not furnished the printer.]

So the motion to print said memorial was lost.

On motion of Mr Clarke, the vote to refer the said memorial to the committee on memorials, was reconsidered.

Mr Billingsley moved to refer said memorial to the committee on the judiciary.

Which motion was lost.

Mr Underhill moved to lay said memorial on the table.

Upon which motion Mr Berry called for the yeas and nays which call was sustained, and the roll called.

Yeas.—Messrs Clarke, Davidson, Ellis, Fletcher, Hawkins, Lemoyne, Maxwell, Mitchwell, Rose, Underhill and Mr President—11.

Nays.—Messrs Berry, Billingsley, Bozeman, Harley, Harrison, Huey, Izard and Poindexter—8.

So said memorial was laid on the table.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representative have assented to senate bill No. 90, to be entitled 'an act to appreciate the value of the swamp and overflowed lands;' also, to senate bill 100, to be entitled 'an act to adopt William Callison, and make him the heir of David G. Hughes;' also, to senate bill 113, to be entitled 'an act to legitamatize the marriage of Henry Dinkins with Martha Wynne, of Mississippi co.;' also, to senate bill No. 126, to be entitled 'an act for the relief of the president, directors and stockholders of the Mississippi, Ouachita and Red river Railroad Company.'

The house of representatives have rejected senate bill No. 24, to be entitled 'an act to repeal the 3d section of the 170th chapter of the Digest of the laws of this state, and for other purposes.

All of which are herewith returned.

The house have concurred in the joint resolution of the senate, instructing our senators, and requesting our representative, to use their best efforts to procure the transportation of the mail, in two horse coaches, once a week, from Ozark, *via* St. Paul, to Huntsville; thence to Bentonville, *via* William Easley's, on to Maysville; all on the present established mail route; also, in senate joint resolution, instructing our senators, and requesting our representative, to use their efforts to procure the passage of an act by Congress, appropriating ten sections of public land, to aid in a geological survey of the State of Arkansas; also, in the joint resolution of the senate, instructing our delegation in Congress, to obtain, if possible, the transportation of a weekly mail, in mail-stagss, from Ozark, *via* Grand Prairie, to Waldron, and thence to Westwood, on Red river.

The house of representatives have refused to concur in the joint resolution of the senate, proposing to amend the constitution, so as to reduce counties to 600 square miles.

The house have also refused to concur in the resolution of the senate, instructing our senators, and requesting our representative, to use all honorable means to have certain territory added to and made a part of the 6th (Champagnolle) land district.

All of which are herewith returned.

The house of representatives have passed bill No. 138, to be entitled 'an act to amend the revenue laws of this state.'

Which is herewith transmitted for the assent of the senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Berry, senate bill No. 102, to be entitled 'an act to establish the office of state land agent,' was taken up, read a third time, and passed.

Mr President resumed the chair.

On motion of Mr Ellis, senate bill No. 124, to be entitled 'an act to grant to William Carter and others, the privilege of building and keeping mill-dams across Eleven Points river, in Randolph county, State of Arkansas,' was taken up.

On motion of Mr Huey, said bill was recommitted to a select committee, consisting of Messrs Berry, Billingsley and Ellis.

On motion of Mr Ellis, Mr Davidson was added to said select committee.

Mr Berry was called to the chair.

On motion of Mr Huey, house bill No. 138, to be entitled 'an act to amend the revenue laws of this state,' was taken up and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and said bill read a second time.

Mr Huey moved to refer said bill to the committee on the judiciary, but afterwards withdrew said motion; when, on motion of Mr Lemoyne, said bill was referred to a select committee, consisting of Messrs Lemoyne, Mitchell, Harley, Underhill and Huey.

On motion of Mr Clarke, senate bill No. 31, to be entitled 'an to sell the Saline lands belonging to the State of Arkansas, and appropriation of the proceeds thereof to common school purposes,' was taken up.

Mr Izard moved to lay the bill on the table for the present.

Mr Clarke called for the yeas and nays on said motion.

After debate, Mr Clarke withdrew his call for the yeas and nays.

Mr Izard then withdrew his motion, to lay said bill on the table for the present.

On motion of Mr Maxwell, the bill was laid on the table for the present.

Mr Mitchell, from the committee on enrollments, made the following

REPORT:

Mr President:

The standing committee on enrolled bills, to whom was referred a resolution of the senate, in regard to the enrolling clerk, have had the same under consideration, and report, that the enrolling clerk informed the committee that he had tendered his resignation to the president of this body.

The committee, therefore, ask to be discharged from further consideration of said resolution.

The committee recommend, that the secretary of the senate be requested to have the enrolling and engrossing of this body.

The committee find, some sixteen bills and resolutions that have not been enrolled, and some to be engrossed.

All of which is respectfully submitted,

WM. C MITCHELL, *Chairman.*

Which report was read and adopted.

Message from the house of representatives, by the clerk.

Mr President:

I am instructed to present for your honor's signature, "an act to change in part the time of holding the circuit courts in the 6th judicial circuit;' also, 'an act to change in part the time of holding the courts in the 4th judicial circuit.'

J. H. HOBBS,
Clerk of the House.

Mr President resumed the chair.

On motion of Mr Fletcher, house bill No. 101, to be entitled 'an act to amend an act entitled an act, approved Dec. 31st, 1850,' was taken up and read a first time,

On further motion of Mr Fletcher, the rules were dispensed with, said bill read a second and third times. and passed,

Mr Poindexter, on leave, introduced a bill, to be entitled 'an act to amend the road laws.'

Which was read a first time.

On motion of Mr Poindexter, the rules were dispensed with, and said bill read a second time.

On motion of Mr Berry, said bill was referred to the committee on public roads.

On motion of Mr Harley, the senate adjourned,

THOMAS B. HANLEY, *President.*

Thursday, Dec. 30th, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Bozeman, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—16.

There being no quorum present, business was suspended, and the sergeant-at-arms ordered to bring in those senators who were absent without leave.

Upon the return of the sergeant-at-arms, the roll was again called, by order of the president, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose and Mr President—17.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Mr Berry, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrollments have examined 'an act to authorize Thomas J. Evans and William A. Ball, their heirs or assigns, to establish and keep a ferry across the Mississippi river, at or near Helena,' and have instructed me to report the same correctly enrolled.

BERRY,
One of the Committee.

Mr Clarke, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred the joint resolution of the senate, requesting our representative in Congress to vote for certain railroad bills, have had the same under consideration, and have instructed me to report it back to the senate, and recommend its passage.

CLARKE, *Chairman.*

Which report was read and received.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the resolution accompanying the above report taken up.

It was then transmitted to the house of representatives for their concurrence.

Mr Lemoyne, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred house bill No. 138, to be entitled 'an act to amend the revenue laws of this state,' have had the same under consideration, and have instructed me to report said bill back to the senate, without amendment, and recommend its passage.

G. W. LEMOYNE, *Chairman.*

Which report was read and received.

On motion of Mr Izard, the rules of the senate were dispensed with, and the bill accompanying the above report taken up, read a third time, and passed.

Mr Izard was called to the chair.

Mr Huey, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred senate bill No. 124, to be entitled 'an act to grant certain privileges to W. Carter and others,' have had the same under consideration, and ask leave to report the same back to the senate, and recommend its passage.

HUEY, *Chairman.*

Which report was read and received.

On motion of Mr Huey, the rules of the senate were dispensed with, and senate bill No. 124, to be entitled 'an act to grant to William Carter and others the privilege of building and keeping mill dams across Eleven Points river, in Randolph county, State of Arkansas,' accompanying the above report, was taken up, read a third time, and passed.

It was then transmitted to the house of representatives for their assent.

Message from the house of representatives by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed house bill No. 37, entitled 'an act to change the time of holding the probate court in prairie county;' house bill No. 287, entitled 'an act to amend an act to incorporate the town of Warren, Bradley county, Arkansas;' house bill No. 254, entitled 'an act to repeal an act to aid in the collection of debts due from certain residents of the Indian country;' house bill No. 154, entitled 'an act to incorporate the Louisville and Arkansas Mining and Marble Company;' house bill No. 283, entitled 'an act for the benefit of jurors in Layfayette, Arkansas and Jefferson counties;' house bill No. 286, entitled 'an act supplementary to 'an act to incorporate the town of Bentonville;' house bill No. 298, entitled 'an act to repeal all laws exempting members of the Little Rock Fire Company from jury service;' house bill No. 299, entitled 'an act to authorize Benjamin F. Owen, guardian of Mary Louisa Owen, to sell certain real estate, in Saline county;' house bill No. 300, entitled 'an act to authorize and prescribe the manner by which persons in this state may adopt illegitimate children and others, and make them their heirs at law;' house bill No. 297, entitled 'an act to increase the common school fund of Prairie county;' house bill No. 296, entitled 'an act to authorize and require the exchange of certain funds belonging to certain counties, and for other purposes;' house bill No. 262, entitled 'an act to incorporate the Makemic College;' house bill No. 290, entitled 'an act to incorporate the Washington Temple No. 3, in Monticello;' house bill No. 289, entitled 'an act to incorporate the Male and Female Academies of Monticello;' house bill No. 288, entitled 'an act to define specifically the law governirg the management and disposition of section No. 16, in township 18 north, of range 20 west;' all of which are herewith transmitted for the assent of your honorable body.

The house of representatives have assented to senate bill No. 115, entitled 'an act to constitute Louisana Americus Taylor an heir and legal representative of James C. Glennin;' senate bill No. 131, entitled 'an act to incorporate the president and trustees of the Lacy Male and Female Academy;' also, senate bill No. 130, entitled 'an act to change the name of Mary Boyd to Mary Olivia Hansbury.'

The house of representatives have assented to senate bill No. 139, entitled 'an act to call in the scrip of Desha county,' with an amendment, which is thereto appended; also, senate bill No. 110, entitled 'an act for the relief of William Peveyhouse, sheriff of Green county,' with an amendment, which is thereto annexed, to which the concurrence of your honorable is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Lemoyne, from the committee on banks, made the following

REPORT:

Mr. President:

The standing committee on banks, to whom was referred so much of the message of his excellency, governor Roane, as pertained to the "*Real Estate Bank*," have had the subject under consideration since the 4th day of November, and having completed and concluded their investigations thereon, have directed me to report the result thereof to your honorable body.

Your committee have not extended their enquiries to a period anterior to the session of the general assembly of 1842 & 43, for the reason that the very able and elaborate report submitted to that general assembly by the select committee appointed for that purpose, is deemed by your committee, to embrace all the facts of interest to the people of this state, or your honorable body, pertaining to that institution up to that time—to which your committee respectfully refer, if information should be desired on that branch of the subject at this time.

Your committee, in their investigations and researches into the present condition of the Real Estate Bank, have directed their attention to the subject with the view and wish of being able to place before the senate, and through it, the people of the entire state, all the information possible touching that institution, from the period of assignment, (2d April, 1842), down to the present time; believing, as your committee do, from the message of his excellency, governor Roane, that, notwithstanding the real estate bank, by its act of incorporation, was a private corporation, that nevertheless, owing to the fact of the state having loaned to the institution, her faith and credit by the use of her bonds, which she must ultimately redeem if she be disposed to preserve her integrity and credit at home and abroad, the people and their representatives have a right to know what they may expect from the agents and trustees of the bank, to assist in liquidating the heavy and onerous debt which has been entailed upon them and their descendants by the loan of bonds by the state to the institution in question. Your committee have been astonished and surprised at the fact that, the people of this state have been kept in such profound ignorance on the subject of the real estate bank, since the session of 1842 & '43; for, in vain have they examined the journals of the two houses of the general Assembly, from that time to the present with the desire and view of finding such information as would render it unnecessary for your committee to extend their researches over so wide a field, and embracing so long a time, as that which we have already mentioned. Whether this has resulted from a dereliction of duty on the part of former legislatures, or whether it proceeded from an unwillingness on the part of the bank Agents and Trustees, to allow such investigation as would be necessary to elicit the information desired, your committee are unable to say, for they are not advised on the subject; but if they would be permitted to draw inferences from their own observations, they can say, in justice to the Hon. Thomas W. Newton, the very courteous and gentlemanly cashier and secretary of the board of trustees, that he has at all times, evinced to your committee, not only a willingness for an investigation into the affairs of the real estate bank, but even a laudable anxiety that it should be done, and on all occasions, whenever it was possible for him to have done so, afforded your committee every facility to forward and hasten their researches; giving to them, whenever solicited, such facts as he was in possession of, calculated to increase the stock of information which they were endeavoring to collect on the subject of the bank. With the facilities afforded by the cashier and secretary of the trustees, and the invaluable services of James A. Warner, Esq., of Camdem, whom your committee, under the authority of the senate, fortunately employed as their clerk, they flatter themselves that they have obtained much valuable information on the subject of the real estate bank, and its management and conduct, since it went into liquidation, under the deed of assignment of the 2d of April, 1842. And it is believed that all the facts which it is their design to embody in this report, may be relied on as strictly true and authentic; for it is their purpose to make no statements except such as they know to be warranted by the facts which they have elicited by careful enquiries.

That the people of this state, and their representatives, should be informed and advised, in regard to the condition of the real estate bank, no one will for a moment doubt or question, for the ascertainment of these facts will discover, to some extent, the causes which have produced the heavy loss which the state has sustained in consequence of her connection with this institution. Besides this, it is believed to be right and proper, that those who have been the means of producing these heavy losses, should be exposed to the execration of those whom they have thus wronged. That the people desire to know this, is manifest from the frequent enquiries that are heard in relation thereto, on every hand. Your committee have, therefore, been particular in ascertaining the indebtedness of each of the trustees, as well as the attorney and secretary; they have also procured an abstract of the bonds entered into by the trustees and secretary, showing therein the amount of the penalty of each, their date, and the securities on each respectively, which they design making a part of this report; believing, as they do, that such information will be useful, both at the present and in the future. With these prefatory remarks, your committee will proceed to lay before your honorable body the result of their labors, and will conclude with such reflections as the facts which they shall expose, seem to demand on their part. The committee have arranged the substance of their report, in the form of tables, marked, A., B., C., D., N., F., G., H., I. and J., which they will hereafter refer to by the appropriate letter, and which they will now proceed to explain.

TABLE A.

Is a detailed statement of all good money received by the trustees since the 2d April, 1842, or settled with the cashier and secretary, showing when received or settled with him, from what source received, the amount and on what account; the sum total thereof being $140,241 88.

TABLE B.

Is a detailed statement of all the good money paid out by the cashier and secretary, or settled through him, from the 2d April, 1842, showing when each item was paid or settled; to whom paid or with whom settled, the amount in each case, and on what account the same was paid or settled; the sum total of which is, $118,895 88, as shown hereby.

TABLE C.

Is a detailed statement of the state bonds and coupons received by the cashier and secretary, from the 2d April, 1842, showing when received, the kind of bonds, the amount of bonds and interest, when received, and also what disposition has been made of such bonds. The total number of bonds is 239, amounting with interest to $335,261 93; 98 of these exchanged for real estate notes, paid out for various purposes, as stated, amount to $120,069 79, leaving 141 bonds now in vault, amounting when

received to - - - - - -	$215,197 14
And 218 coupons, amounting to - - -	6,640 00
Making bonds and coupons on hand, amounting to	$221,837 14

TABLE D.

Is a statement of the indebtedness of each of the trustees of the bank, and also of the attorney and cashier, respectively, showing

the trustees are indebted, as principal, in the sum of	$51,916 39
And as securities for others, - - -	19,807 72
Making the whole amount of their indebtedness,	$71,724 71

And showing further, that the attorney is indebted as principal, - - - - - 21,[illegible] 00

And the cashier and secretary as principal, - 20[illegible] 70

Making the whole amount due by the trustees, attorney and cashier, - - - $93,154 90

TABLE E,

Is a statement of the accounts of the cashier and secretary from 2d April, 1842, being a balance sheet of the books kept by him.

TABLE F,

Is a list of lands taken for debts and purchased by the trustees to secure debts, showing the counties in which the land is situate, the number of section, township and range, and on which the trustees are paying taxes. The aggregate of which, in acres, is 65,956.51 1-2 and 25 town lots.

That is to say, in	Pulaski,	3709.32	acres,	8 town lots.
"	"	Jefferson,	1074.06	"	
"	"	Sevier,	1120	"	
"	"	Hempstead,	4661.44	"	2 town lots
"	"	Ouachita,	1097.42	"	
"	"	Union,	800	"	
"	"	Clark,	2472.44	"	
"	"	Desha,	1908.19	"	
"	"	Chicot,	9244.39 1-2	acres	
"	"	Dallas,	280	"	
"	"	Poinsett,	170.58	"	
"	"	Pike,	560	"	
"	"	Monroe,	160	"	
"	"	Lafayette,	2409.20	"	
"	"	Ashley,	2760.98	"	
"	"	Johnson,	160.	"	
"	"	Drew,	3412.74	"	
"	"	Crawford,	2300.37	"	
"	"	Washington,	400	"	
"	"	Mississippi	74.44	"	
"	"	Crittenden,	13414.52	"	
"	"	St. Francis,	5475.47	"	
"	"	Saline,	480	"	
"	"	Sebastian,	3066.31	"	
"	"	Phillips,	4744.64	"	15 town lots.
Being the whole amount in acres and 100ths,			65956.51 1-2		25 town lots.

TABLE G,

Is a general summary of the affairs of the bank, as near as the same can be ascertained in the limited time allotted the committee for their investigations, showing the following result:

Liabilities of the bank up to 2d October, 1852,	$2,984,887 18
Assets or credits to same date,	2,174,296 87
Total deficiency,	$810,590 31

Which deficiency is greater than was shown by the statement furnished his excellency, governor Roane, and which he communicated to the present General Assembly, in his bi-annual message at the opening of the session, at $150,590 31; caused, as your committee suppose, by the fact of the cashier and secretary, who furnished the information to his excellency, having omitted to include in the liabilities of the bank something over $150,000 due to depositors, and to be credited on notes due the bank, which will appear by reference to statement marked "G.," as above.

TABLE H,

Is a statement of the regular annual expenses for salaries to trustees and officers of the bank, amounting to $8,850, or for the ten years which have elapsed since the assignment, to near $90,000 00 or thereabouts.

TABLE I,

Is a detailed statement of the circulation of the "real estate bank" and branches, showing that the whole amount of the notes ever put in circulation was $854,650

Of these notes there have been cancelled and burnt the sum of - - -	$784,730	$802,670
There is now in the vaults and on hand	17,940	
Leaving the total circulation of the bank and branches, (now)	$51,980	
Of the above circulation the trustees have taken up or redeemed, since 2d April, 1842, the sum of - -	$456,810	
The amount taken up or redeemed prior to that time was - - -	345,860	
		$802,670

As above shown in estimating the amount of circulation redeemed.

TABLE J,

Is a statement of the bonds given by the trustees to the attorney for the bank, under the provisions and terms of the deed of assignment of the 2d April, 1842, showing therein the amount of each bond, their dates and the securities to each. This paper also gives the same information in reference to the bond of the secretary and cashier.

It is believed that the above explanation will enable not only your honorable body but the public generally, to comprehend the various tabular statements accompanying this report, and will show their manifest usefulness and importance; for without them it would have been almost impossible for the committee to have embodied the same facts in their report, in any other form, and made their information available. That the facts may be comprehended, and their application understood, the committee will take occasion to remark, that the tabular statements marked, A., C., G., and I., will show and indicate together, what amounts have been collected by the trustees since the 2d April, 1842, and how such amounts have been applied by them, that is,

Stat.	I.	will show,	that in	R. E. B. Notes	$451,810	have been	sold,
"	C.	"	"	S. B'ds & Coupons	221,837	"	"
"	A.	"	"	Good Money	140,024 88	"	"
"	G.	"	"	Land & Negroes	406,438 67	"	"
"	G.	"	"	Swamp Land Scrip	832 40	"	"
"	G.	"	"	Chicot Co. Scrip	4,371	"	"

Making the whole amt. rec'd by them $1,225,313 95 since the deed of assignment as above.

It is believed that the above contains in a brief and succinct form, all the facts and information that it was possible for the committee to obtain under the circumstances. It will doubtless be discovered, that many defects exist in this report; but your committee flatter themselves that it is correct, in the main, and will be found to contain much information that the public had no means of knowing before, for the reason that no report or statement has ever been published, embodying the same facts. It will be discovered, that in the detailed statement above alluded to, marked G., showing and indicating the amount of the liabilities of the bank, as well as the assets of the institution, that a large portion of the latter, consists of lands taken by the bank in liquidation and settlement of individual debts, where the means to pay were considered doubtful. These lands, as statement "F." shows, are scattered over some 25 counties; and many of them are doubtless of far less value than the nominal price at which they were received and taked by the bank. It must also be borne in mind, that many of the notes, bonds and bills of the bank, which are taken into circulation to swell up the amount of assets in her favor in the above estimate, are worthless and valueless, on account of the insolvency of the parties thereto; which fact, taken in connection with the over and excess valuation of the lands taken in payment of debts, will probably reduce the assets of the bank at least $400,000 below the one above made, and thereby make the deficiency of the assets to meet the outstanding liabilities, about $1,300,000, instead of the estimate made by governor Roane in his message before referred to. Your committee have considered the several recommendations of the governor, in reference to this institution, in connection with the state debt, which has accrued from the state bank, and take great pleasure in testifying their unqualified approval of them in the main. They, therefore, recommend to your honorable body the passage of an act exempting the lands which have been conveyed to the real estate bank, or the trustees of that institution, since the act or deed of assignment, from taxation, for the reason assigned by his excellency in his message. The policy of this recommendation addresses itself to the good sense and judgment of every one possessed of the slightest discernment or discrimination; for it is evident to every reflecting mind, that the state will, if not at present, in the course of time, have to propose to the trustees the relinquishment, on their part, of the various trusts defined by the deed of April 2d, '42; under which they claim title to the property of the bank, or that they will make, if it be deemed that they are in possession of power so to do, a conveyance of all the trust property vested in them under such deed, on condition and consideration that the state will assume the payment of all the liabilities of the bank, including the final cancelment of the bonds issued to this institution; and the committee would beg leave respectfully to suggest and recommend some such arrangement or proposition as this, on the part of the General Assembly, with the view and hope of having the affairs of the bank speedily and amicably settled, and arranged at as little cost and expense to the state as the circumstances will warrant, believing, as they do, that if the state can get control of all the assets, an arrangement can be made with the bank holders and other creditors of the institution, to receive, in liquidation of the debts and demands, the assets themselves, or other property belonging to the state, or the state can fund the debt in the manner and mode suggested by his excellency, governor Roane; either of which would be far preferable, in the estimation of the committee, to the seeming indisposition which has distinguished former legislatures to provide for our state debt, or even the interest accruing thereon; and the committee cannot refrain, whilst on this branch of the subject, from giving expression to a sentiment contained in the same valuable and hightoned state paper, which is, that by adopting the policy which we have recommended in this respect, "our reputation as a state may be shielded from the threatened taint of *repudiation;* and that these are not the suggestions of a vague theory, but legitimate conclusions from existing facts."

And your committee cannot dismiss this branch of the subject without suggesting for your consideration and reflection, that in case the trustees should decline to accede to a proposition made as we have recommended, i. e., to turn over the assets of the bank in their hands to the state and her agents, if it shall be concluded that they have the power and right so to do, under the deed of assignment, that in that case, the state or the executive shall be authorized and directed by an act or a joint resolution passed or adopted for that purpose, to require the attorney general and such other counsel learned in the law, as he may, in his wisdom, select, to assist him, to commence the proper proceedings in equity, to divest the present trustees of the control, management and keeping of the trust funds placed in their hands under the deed of the second of April, 1842; for it is believed by your committee, that the facts presented by this report will furnish sufficient grounds to authorize and to warrant any chancellor, to whom application may be made, to remove the trustees appointed by the deed of trust of April 2d, 1842; as it is evident that they have, in innumerable instances, acted in bad faith towards the beneficiaries named in that deed, by misapplying and converting the trust funds, and in other respects wasting and mismanageing the trust property. In these remarks and charges against the trustees, the committee think they are warranted by the facts which have already been shown; and they appeal to them to bear witness in their behalf. It is a subject of deep regret to the committee, that a sense of duty impels them to speak of the official conduct of gentlemen for whom they entertain, personally, the kindest and best of feelings; and they wish it borne in mind, that nothing but the obligation which they owe to their constituents and the state at large, could induce them to violate those kindly feelings, and to arraign those to whom they are attached before the bar of public opinion. On reference to tabular statement, marked 'J.,' it will be discovered that the residuary trustees of the real estate bank, or those now in office, have given no bonds since 1842—now ten years—a number of years in which a generation might almost pass away, or time sufficient to enable those who are securities, to forget their liabilities, by changing their residence. Your committee are not advised in reference to this matter in the case before us; but they would suppose that it is not unlikely, that many of the securities on the bonds of the trustees have become insolvent—have died or removed beyond the limits of the state, and as there is to be no one more interested in this matter than the state, they would recommend that it be looked into, and if it should be found that any of the securities of any of the residuary trustees should have become insolvent, died, or removed from the state, in case that the bank attorney, whose duty it seems to be made in the deed of assignment, should, within a reasonable time, fail to acquire new or additional security—the attorney general, under the direction of the governor, shall be required to commence proceedings to remove such trustees for such causes. The committee would further respectfully suggest, that they are advised that the present bonds of the trustees are inadequate to secure the state in the amount of her faith reposed in those officers, and that the condition is not sufficiently broad, to cover the credit which they necessarily have by means of their office; for the committe have discovered that they assume the payment of debts for others, and the amounts are simply charged to them upon the books of the bank, without requiring of them security for the ultimate payment thereof, and the conditions of the bonds will not allow or permit those in interest to have recourse to them to force payment for such amounts. The attorney for the bank by the deed of assignment, is a judicial officer, approving or disapproving of the bonds of the trustees, while the amount of his liabilities to the bank, is subject to the approval and endorsement of the trustees. This feature in the deed of assignment is, in our opinion, an objectional one. If correct in this, the committee have been unable to discover in the deed of assignment any power or authority which authorizes the trustees to dispose of the trust funds to accommodate the attorney or any other person or persons. The intention of the trust being, as it is very apparent, to pay off and liquidate certain debts and liabilities in such cases, in the manner and order therein designated. What seems to the committee the most extraordinary and unwarranted of power on the part of the trustees, devolved by the facts of this report, is the fact that the trustees seem to have been indebted to the trust fund from the commencement of their relations to the present time; and the tabular statements show, that instead of applying their salaries, and those of the attorney, and cashier, and secretary, in the payment of the several amounts owing by them respectively, they have invariably drawn the funds from the vaults of the bank, and suffered and permitted their debts to remain unpaid. Why this has thus been, your committee are unable to say. Your committee would therefore recommend to your honorable body, to direct the attention of the attorney general, in case he shall be required to commence proceedings aganst the trustees, especially to this grievance among the others which the committee have before pointed out.

It is believed that a plan could be devised, by which the affairs of the two banks, in the case the assets of the real estate bank are turned over to the state, can be fully settled in as short a time as it would require to settle those of one, and with comparatively but little additional cost and expense to the state; and your committee know of no mode which would contribute more to effect this, than the one recommended by governor Roane in his message to this General Assembly.

It is evidently the duty of your honorable body, as well as of the other branch of the legislative department of the state, to adopt such a policy as will be most likely to ensure economy in the expenditure of the revenue raised from taxation, as well as from those funds and means, which have been entrusted to the state for specific purposes, and to insure this, measures should be adopted which are simple and intelligible in their character, and not requiring the assistance of a large number of agents to carry them into effect.—It is believed that many of the disasters which have befallen the two banks of this state since they went into liquidation, in 1842, may be attributed to the fact of the complication of the means by which this was to be done and accomplished. It is hoped; therefore, that the legislature in making provision for this purpose, will have an eye single to the error into which it is respectively conceived their predecessors have fallen on this subject, and endeavor to profit by the lesson which the passed teaches.

Your committee have done with the subject, and in conclusion, take occasion to state that they have endeavored to discharge the duties which have devolved upon them in this connection, without favor or affection for any on; but at the same time under a becoming sense of that justice which is due to all men. If they have violated private feeling in the discharge of a public duty, it is to be hoped that those affected will have the charity to excuse the act in the necessity which prompted it.

Your committee having performed their duty, growing out of the branch of the subject which they have had under consideration, ask to be discharged from further deliberations thereon.

GEORGE W. LEMOYNE, *Chairman.*

A.

ACCOUNT OF ALL GOOD MONEYS RECEIVED BY THE CASHIER AND SECRETARY, OR SETTLED WITH HIM FROM SECOND APRIL, 1852.

When received.		*From what source received.*	*Amount.*	*Remarks.*
1842, Aug't.	16	Columbia office,	$5000 00	Being part of assetts from that office.
1843, Feb'y.	20	Little Rock office,	5948 56	do do do
May	5	Ward, Moffett & Co.,	5532 47	For sale of 461 bales of cotton
	18	Little Rock,	617 27	Being part of assets from that office
	5	Albert Pike,	322 50	Being advance to Van Buren office by him, and for deposits
	5	same,	75 00	Dep't made by him of his account for expenses to New Orleans
June	2	Little Rock,	160 00	Part of assets from that office
"	8	same,	565 27	do do do
	8	Van Buren,	92 00	For check on that office—part of assetts
	30	same,	2000 00	Part of assets from that office
	30	Columbia,	500 00	do do do
July	2	Little Rock,	100 00	do do do check Washington office
Dec'r	11	Albert Pike,	4200 00	Part cer't. dep. N. Y. (above mentioned) collected by Pike and paid over
"	11	same,	350 00	Fee paid by Pike to Dudley Seldon, attorney, N Y
1844, Jan'y.	18	Washington office,	225 07	Part of assets from that office, say check drawn on it and paid
" March	20	Ward, Moffett & Co.,	72 83	Being for interest paid by them on amount credited above
	30	Little Rock office,	4292 19	Being for assets from that office turned over
April	6	Washington office,	10,000 00	do do do
	22	Columbia office,	199 80	do do do
June	2	Albert Pike,	103 75	Deposit by Albert Pike
Aug't.	26	Columbia office,	125 00	Amount paid Faulkner, trustee at that office
Oct'r.	14	Albert Pike,	629 98	Deposit by Pike
"	26	same,	200 00	do do check J N Barnett
Nov'r.	12	same,	50 00	do do
Dec'r.	12	same,	44 13	do do
1845, Jan'y	20	same,	31 50	do do
Feb'y.	10	same,	302 18	do do
"	10	same,	134 00	do do

A—Continued.

When received.		*From what source received.*		*Amount.*	*Remarks.*
April	14	Washington office		2350 00	eing in part for assets from that office.
May.	2	Little Rock office,		1500 00	do do do do
"	28	Interest account		424 69	Interest collected by A Pike on N Y certificates and deposites
July	2	Albert Pike		117 15	Amount deposit by Pike
Oct'r.	2	same		3 40	do do do
1846, April	6	Little Rock office		1600 00	Amount rec'd from C P Bertrand, for sale of Mitchell's house and lot
	7	Columbia office		275 00	Part of assets from that office
July	30	Washington office		150 00	Amount paid A Pike, attorney, on salary account and charged here
Sept'r.	10	Little Rock office		1431 29	Part of assets from that office
1847, Jan'y	14	same		970 91	do do do
Aug't.	9	Washington office		339 97	do do do
Oct'r.	20	ames S Conway		603 70	Amount of order, L B Fort, which is credited on his account
Nov'r.	4	Columbia office		210 00	W H Sutton's draft on E Washington
"	27	same		553 75	Draft, Byers & Chapman's account, on N Orleans, for which they have credit [of $1582 17, at 35 cts.
"	27	Wm McD Pettis		1000 00	Draft on N Orleans, equal in Arkansas to $3295, at 30 cts. collected by A Pike
"	27	William Moss		500 00	do do do 1500, at 33½
"	27	Stephen Gaster		2317 09	do do do 7656 67, at 30 cts.
"	27	William F. Moore		250 00	do do do 833 34, at 30 cts.
Dec'r.	29	B F Hempstead		40 00	Check per E B Cummins, $120, at 33½ cts.
1848, Jan'y.	1	James Clark		1000 00	Being draft on N Orleans equal in Arkansas to $3333 34, at 30 cts
"	14	William Elkins		69 00	Dep't cash, equal in Arkansas to $230, at 30 cts.
"	14	Albert Pike (State Bank)		777 85	Being for two bonds, equal in Arkansas to $2592 54, at 30 cts, to Pike
"	22	Henry C Boyd		100 00	Being draft on N O, equal in Arkansas to $328 54, at 30 cts
	29	Albert Pike		377 00	Being deposite by Pike to pay A Byrd's account
	30	New Orleans	$4000		
	30	Less brokerage	75	3925 00	Being for sale of 15 state bonds at $266 67, to pay Russel's lien on lands in [Phillips co.
	30	John W Paup		1815 }	do do $1250 state bank paper, at 30 cts per do do draft on N O
	30	John and James F Trigg		1830 }	do do do do do do do do do
March	18	Richard H Firm		525 00	Being draft on N O, equal in Ark to $1750 27, at 30 cts. credited Firm's debt.
April	3	Expense account		160 50	Being for sale of furniture at Washington office, by Levi Hill
	3	John T Jones		350 00	do Ark. trs'y warrants, equal in Ark money to $1166 67, at 30c. on Jones' debt

April	4	Romulus Payne	300	00	Being draft on N O, equal in Ark. to $1000 at 30c. collected by Pike
	4	Hector Lasley	112	87	Being cash paid, equal in Arks. to $376 25 at 30c. on debt
		Lycurgus L Johnson	1167	96	Being drafts upon N O, afterwards part transfer to Louisville, Ky. rec'd by A. Pike, and for which Joel Johnson rc'd credit in Arks. to $19,963 25 at 30c.
		same	2252	72	
	26	William Trimble	122	09	Being paid cash, equal in Arkansas to $406 96 at 30c.
Sept.	8	Albert Pike	3256	77	Being deposit by Pike, to pay Farrelly comm's. on Byrd's debt
	8	same	165	00	do do do do do do do
	21	B F Howard	173	60	Being for debt of N Menefee, Arks $578 69, at 30c in the dollar
	21	same	26	35	do for costs do
Oct.	16	John J Clendennin	397	96	Being payment on his debt, equal in Arks to $1326 55 at 30c.
	16	Neville Wayland	11	00	do do do do 25 00
Nov.	13	Ephraim Mirich	1200	00	do do do do. $4000 draft on N O by Gen Hill
	13	James W Smith	12	00	40 at 30c
	13	James W Finley	106	50	Col'ctd on exe'tn, Hempstead co. court, by Gen. Hill and to credit J W Finley
	13	Jonathan West	400	00	Being paid a debt equal in Arkansas to $1333 33 at 30c. by Gen. Hill
	13	Tilman T Collier	37	80	do do do 126 00 do do.
	13	Monroe & Baird	7	50	do do do } 1063 08 do do
	13	Richard F Sullivan	311	48	do do do
	13	Robert D Gibson	56	10	do do do 487 00 do do
	13	Dan'l T Witter	600	00	do do do 2000 00 do do
	13	J Gibson & E Nance	149	70	do do do 499 00 do do
	13	Wm M Burton		75	Balance on settlement with Gen Hill
	13	Geo Hill	150	16	Collection made by Gen Hill
Dec'r.	16	Henry L Biscoe	2000	00	Being part of $6500 placed in hands to pay off Russel's lien in Phillips
1849, Jan'y.	4	James Scott	126	65	Being cash received, equal in Arks to $366 44 at 30c on debt Scott
April	26	Abner E Thornton	25	20	Being costs heretofore paid by Bank
June	21	Wm J Vasin	16	00	Being balance of collection from Lee & Co. N O. handed to cashier and sec'y.
	27	B F Hempstead	80	00	Being cash to A Pike, equal in Arks to $266 57 at 30c.
	27	Richard Prior	80	70	do do do 269 21 30c.
	27	Enoch J Smith	190	80	do do do 636 03 30c.
	27	David Roberts	55	00	do do do 183 33 30c.
	27	Bolen Stricklin	1000	00	Draft to N O., $1203 04, as per agreement
	27	Benj P Jett	600	00	Collected by A Pike on note for good money transferred by Eph Mirich
	27	Joel W Hannah	500	00	do do do do do do
	27	Francis Hopkins	268	66	Being collection made by A Pike do do do
	27	Elias Caruth	159	25	do do do do do do
Aug'st	6	Margarette McDonald	220	70	do do do S S Saunders on debt equal in Ark to $565 43 at 40c.

A—Continued.

When received.		*From what source received.*	*Amount.*	*Remarks.*
Aug'st	6	James Gibson	100 00	Being collection made by S T Sanders on debt equal in Arks to $333 00 at 30c
Nov.	6	Robert H Conway	100 00	do do do do do 300 00 at 30c
Dec.	22	Ebenezer Cummins	25 00	Being part payment of Iron Safe bought of bank
1850, Jan	16	James S Conway	140 00	Amount paid on debt equal in Arks to $420 at 33⅓c, by E N Conway
	16	Wm C Gentry	100 00	de do do do 250 at 40c. to A Pike
	21	Elias Rector	692 62	do do do do 2308 73 at 30c
	26	Richard M Campbell	287 00	do do do do 717 at 40c, S C Faulkner
May	27	Albert Pike	100 00	Cash paid by A Pike, attorney, to Cashier and secretary
June	26	Francis E Whitfield	408 00	Collected by A Pike, att'y, equal in Arks to $680 00 per agreement
Jan.	17	James Moore (by Robert Calvert	100 00	do do do do 275 22
June	26	Lycurgus L Johnson	3783 80	For land, being part bills in N O, and afterwards in Louisville June 1, 1850
1848, June	1	S C Faulkner (collected by Chilton	217 77	Collected by Faulkner equal in Arks to $ 725 00, at 30c
1849, Jan.	29	Robt J Ward	2893 38	do do do co 9644 60 do
March	1	Silas Craig	2650 00	do for 160 acres land do 4833 33 do
May	4	C C Stuart Ad	4539 26	do by Faulkner do do 15.130 88, do
	4	W W Rose	1894 15	do do do do 6313 85, do
	4	yers & Chapman	500 00	do do do do 1666 67, do
1850, Jan.	21	J J Offutt	366 97	do do do do 1223 23, do
	21	S Offutt	164 64	de do do do 548 80, do
April	—	Wm H Gaines	312 00	do do do do 1040 00. do
June	26	Wm F Moore	360 00	Collected by A Pike att'y, equal in Arks to $, charged up to Pike's apc
	26	Interest apc A Pike	13 00	do do interest on draft James Clark do do do
	26	Dudley Selden (att'y. N Y., J W	1800 00	do do on N Y cash dep, J W Edmondson apc do do
	26	A L Weir [Edmonds)	15 00	do do on debt, Weir, do do do
	26	Wm H Suttin	205 04	do do do do do
	26	Interest apc A Pike	6 00	do do on draft, R Payne, do do do
1846, May	2	Frederick Notrebe	4200 00	For pay't on R C Byrd's apc. credited to Notrebe, Arks $12,000 per enter bond
			$109,804 76	Total to 2d Nov. 1850, entered on apc
1850, Nov.	5	Johnson Chapman	288 00	Draft on N O collected by Clark at Columbia, debt W Pratt, $100, equal to
	13	Albert Pike	150 00	Collected by him [$222 22 Arks, and $138 equal to $345
Dec.	9	Watkins & Curran	326 00	

1851, March	1	Henry C Boyd	542	00	
	3	S T Saunders	575	85	
April	18	Jacob Lavender	50	00	
June	11	Albert Pike	400	00	
			$112,086	61	
1851, Nov.	12	J N Wilson	3	10	For balance of debt paid M Wright
	12	Josiah Garland	500	00	Being payment on debt
	19	Simon T Sanders	180	00	Collection at Washington
	25	Jas S Peak	85	00	For 5 per ct. call good money on debt
	25	Stephen Gaster	1000	00	do do draft on N O, due 25th April, 1852
	25	same	1000	00	do do do do due 25th Nov., 1852
Dec.	12	A W Webb	200	00	do on debt
1852, Jan.	1	Jyner & Sutton	2286	00	Part of debt, draft N O
	1	same	4644	00	do do do
	1	F G Stoue	331	19	For debt Robt McDonald, draft
March	19	H R Hardy	300	00	For collection Clark co., draft N O
	30	John Spear	20	00	Collection Eben Cummins, Erq., on debt
	30	Wm Elkins	82	00	do do do
	30	W C Gentry	184	65	do do do
April	9	Harris Flannagin	159	35	do Clarke co.
	30	N & D Hayden	75	00	Paid 5 per cent call
May	1	Edward W Lindsay	162	86	5 per ct. call on debt, draft N O
	5	A H Davis	1294	00	do do do
	5	W M D Pettit	964	27	do do do
	5	same	813	56	do do do
	5	Silas Craig	699	62	do do do
	5	Saml D Walker (by A H D)	500	00	In part of 5 per cent call
	5	John Drennon	1019	87	5 per cent call on debt paid by salary ape
	12	W H Gaines	936	39	do do do draft N O
	19	Ephraim Mirich	555	24	do do do
	21	Benj Johnson	2021	33	do do do do
June	21	A B Caruthers	34	99	Part of 5 per call on debt
July	8	H A Blevins	80	24	5 per ct. call on debt, $33 97 for costs
"	19	John H Crease	56	47	do do do
Aug.	1	Saml D Walker	439	07	do do do

A—Continued.

When received.		*From what source received.*	*Amount.*		*Remarks.*
	13	Thos M Collins	687	76	5 per ct. call on debt, credit Helena office, draft N O
Oct.	4	Rapley	105	92	do do do
	16	Chas D Walker	415	99	Balance 5 per cent call
Nov.	13	H P Rankin	1500	00	5 per cent call on debt, Helena, by H L Baird
	15	A Scott	136	32	For balance debt of Milus T Scott
	15	Josiah S McKeel	1200	00	do do draft N O, due 15th Jan. 1853
	22	Richard Pryor	175	00	do do G D Royston, draft N O
	24	Balen Stricklen	3306	08	Rec'd by A Pike, att'y, on debt, draft N O
		Total,	$141,566	88	
			4,325	90	Deduct L L Johnson's draft.
			$140,241	88	

B.

ACCOTNT OF ALL GOOD MONEYS PAID OUT BY THE CASHIER AND SECRETARY, OR SETTLED THROUGH HIM, FROM SECOND APRIL, 1842.

When paid.		*To whom paid.*	*Amount.*		*On what account paid out.*
1842, Sept	2	Albert Pike, attorney,	937	50	For salary from 2d April to 2d Sept 1842.
"	2	Ewing K Roane,	100	00	services as clerk to April 1843
"	15	W E Woodruff,	250	00	printing for bank
"	26	Members of Executive Board,	170	00	pay as trustees
"	26	Reuben T Redman	13	26	copying deed of assignment
Oct	1	H Bates & Co.	15	00	blank books
"	1	Adamson, Higgins & Co	3	00	stationery
"	15	Lemuel R Lincoln	15	60	fees as clerk, Pulaski county
"	21	Albert Pike, attorney	187	50	salary from 2d Sept to 2d Oct 1842
	27	U S Marshal	600	00	do do 2d April to 2d Oct 1842
Nov	2	Saml C Roane and others	187	50	do do 2d Oct to 2d Nov 1842
	12	H Harralson, clerk	100	00	purchase under execution of R C Byrd's property
	22	Albert Pike, Att'y	1309	00	pay as trustees, meeting in Sept 1842
	26	Post Master, Little Rock	21	00	fees clerk of Pulaski circuit court
Dec	2	Wm Christie, N O	187	50	salary from 2d Nov to 2d Dec 1842
1843, Jan	27	Thos W Newton, cash'r and sec.	1.	00	postage on letters
".	31	Albert Pike, attorney	146	00	taking depositions, New Orleans, on Bills Exchange of Bank
Feb	2	Albert Pike, attorney	375	00	salary from 2d Dec 1842, to second day February 1843
March	3	Thomas W Newton	500		salary from 2d Oct 1842 to 2d March 1843
April	21	John Drennon, and others	181		pay as trustees, meeting April 1843
May	5	Richard H Chime	220		fees as attorney at New Orleans in Bank cases
"	5	Post office, Little Rock	1	75	postage paid, N O by W M & Co in their account
"	5	Albert Pike, attorney	562	50	salary from 2d Feb to 2d May 1843
"	5	same	1000	00	collected by Pike, W Moffitt & Co., N O
"	5	T W Newton, agent pay interest	399	82	expenses to N O and N Y to pay interest on bonds
"	5	J W Edmonds, (N York)	250		costs in suits in N York
"	5	Washington Office	194	69	check Washington office paid in N York
"	5	J W Edmonds for N Y Ev. Post	56	35	costs of advertising in "New York Evening Post"

When paid.		*To whom paid.*	*Amount.*		*On what account paid out.*
1843, May	5	J W Edmonds for N Y Ev Post	500	50	For fees as attorney, case Hilford & Co., New York
	5	Rawdan, Wright & Hatch	727		engraving for Van Buren office
	5	Ward, Moffet & Co	900		exchange on N Y to pay interest
	15	Chas P Bertrand	20		copying Exhibits in Chancery cases
	15	Wm H Etter	3		advertising in Washington Telegraph
	18	Members of central Board	176		pay at meeting, April, 1842
	18	David Fulton, P M	15	77	postage account
	18	Expenses	5	00	freight on keg specie, from Columbia, to pay interest
	18	Executive Board of Trustees	420	50	pay of Trustees at meeting, April 1842
June	2	Albert Pike	160	60	check on his deposites
	2	same	187	50	salary from 2d May to 2d June 1843
	8	Sam C Roane and others	304	50	pay as Trustees meeting, June 1843
	8	Post office Little Rock	41	74	pestage account
	8	John Robins	15	00	work on banking house
	8	John P Smith	5	00	fixing the gutters on the banking house
	8	Sam C Roane	24	00	pay as Trustees
	8	Sheriff Jefferson county	68	35	bill of costs
		Post Office, Little Rock	75	63	bill of postage
		Clark of Jefferson county	13	80	bill of costs
		Sheriff Crittenden county	17	25	do do
	14	Geo F Smith	28	79	copying Exhibits in Chancery cases
	14	Frank Smithson	25	09	do do do
	30	Helena office	1000	00	amount sent over to pay expenses
	30	Expense account	1500		do to pay agents to New York to settle suits there
July	2	Albert Pike, attorney	187	50	do salary from 2d June to 2d July, 1843
	2	same	175	00	check on his deposite
	2	Thos. W Newton, cash'r & sec'ry	400	00	salary from 2d March to 2d July, 1843
Nov	16	Sheriff, Conway county	5	10	fee bills
Dec	6	Clerk, Johnson county	4	17	do
	6	do Jackson county	7	15	do
	7	Geo Hill and others	111	50	pay as Trustees, Dec 1843

	11	John R Worthen	5	00	stationery, quills
	11	J F Trott	5	00	examining T'r and Bk'g Co' N York
		Albert Pike, att'y	1125	00	salary from July 2d, 1843, to 2d January 1844
		Dudley Selden, N Y	350	00	fee as attorney in case Holford & Co.
		Albert Pike,	6373	25	amount certificate deposite on N York sent for collection
1844, Jan'y.	2	Thos W Newton, cash. & Sec'y	600		salary from 2d July 1843, to 2d January 1844
	5	Hernden Harrelson, clerk	75		fee as clerk Pulaski circuit court
	18	Geo Hill	42	50	pay as Trustees
	18	Saml C Roane and others	270		pay as members Executive Board
	22	Clerk Jefferson county	3		fee bills
Feb'y.	2	Albert Pike, attorney	187	50	salary from 2d January to 2d February 1844
	2	Thos W Newton, cash. and sec'y	100	00	do do do do
	24	H Harrelson, clerk	30	00	fees clerk Pulaski circuit court
March	2	A Pike, attorney	187	50	salary from 2d Feb. to 2d March, 1844
	8	C H Pelham	2	12	fees as clerk Independence county
	15	Dudley Selden, attorney, N York	782	57	fees as attorney, in Holford case, N Y
	20	H Harrelson, clerk	83	50	fees as clerk Pulaski circuit court
	20	Post office, Little Rock		75	postage paid
	20	Albert Pike,	343	00	collection for W M & Co. and check on deposite
	25	Post office, Little Rock	68	79	postage to 1st January, 1844
April	2	A Pike, attorney	187	50	salary from 2d March to 2d April 1844
	3	Saml C Roane	330		payment in full as Trustees
	3	Lorenzo N Clark	84		meeting Central Board, April, 1844
	3	James H Walker	72	50	do do do
	3	Silas Craig	80		do do do
	3	Sanford C Faulkner	80		do do do
	3	H L Biscoe	64	50	do do do
	3	Geo Hill	72	50	do do do
	3	John Drennon	91		do do do
	6	same	20		services 5 days as residuary trustee
		Geo Hill	20		do do do
		enry L Biscoe	20		do do do
	5	S C Faulkner	20		do do do
	20	Luke E Barber, clerk	27	36	fees as clerk Supreme court
	20	Sheriff and clerk Van Buren co.	9	40	do do Van Buren circuit court, and sheriff sale
	20	Sheriff Independence county	6	30	sheriff Independence county
	20	Ben J Borden	100	75	printing for trustees

B.—Continued.

When paid.	*To whom paid.*	*Amount.*	*On what account paid out.*
1844. April 22	Helena office	1000 00	Being amount sent to that office by order of board to pay expenses
22	Columbia office	699 80	Left there to pay expenses
24	Geo H Burnett's adm'r	75 75	printing accounts against bank paid
24	Jacob Mitchell	3 00	paid for services of negro man
30	Lambert Reardon	450 00	paid for services as trustee, 3d Jan 1843 to 3d April 1844, 150 days
30	David J Baldwin	4 00	do for copying papers as attorney
May 2	A Pike, attorney	187 50	salary from 2d April to 2d May
4	David F Shall	25 00	paid for field notes of surveys Spanish claims for attorney
7	Steamer Parague	25 25	freight on iron vault from Columbia office
24	D F Shall	2 00	copy of platts for attorney
24	Saml Isaacs	59 00	bill of stationery for trustees
24	Clerk of Arkansas county	3 60	fee bills
June 2	A Pike, attorney	187 50	salary from 2d May to 2d June, 1844]
4	Richard H Chinn	50 00	services as attorney, New Orleans
7	Clerk Independence county	1 12	fees as clerk
July 3	Clerk Chicot county	56 88	do do
3	Joshua W Craig	14 47	stationery Columbia office
6	Wm Van Dolsen	200 00	salary as clerk at Columbia
3	Joshua W Craig	38	acknowledgement of deed
5	Davis & Gaines	24	taking depositions, N O
	Clerk Conway county	5 00	fees as clerk Conway county
	Henry Crease	25 75	copying exhibits and bills in chancery for attorney
	Geo Hill	100 00	pay as trustee
19	Ebenezer Walton	360 00	do do
Aug 2	Albert Pike, attorney	375 00	salary from 2d June to 2d August, 1844
6	Pitcher and Waller	12 78	articles furnished bank
Sept 1	Barnett Williams, P M	42 27	postage to this date
24	Clerk Crittenden county	26 48	fee as clerk
24	Post office, Little Rock	3 50	postage paid by attorney
26	Sanford C Faulkner	400 00	pay as one of the residuary trustees
Oct 14	A Pike, attorney	375 00	salary from 2d August to 2d Oct., 1844

	18	same	341	25	checks on his deposites
	26	Clerk Monroe county	5	00	fee bills
	26	A Pike	156	48	checks on his deposites
	26	same	250	00	do do do
	28	same	75	00	do do do
	29	same	62	75	do do do
	29	Thos W Newton chash'r & sec'y	800	00	salary from 2d February to 2d October, 1844
Nov.	12	Albert Pike	209	00	checks on his deposites
	13	Van Buren office	500	00	amount sent to that office to pay expenses
	13	Albert Pike	260	96	check on deposites
	16	same	85	25	do do
	16	Expenses	83	50	amount paid for bringing books &c., from Columbia and Helena offices
	16	Saml C Roane	100	00	Services as agent in Jefferson county
	16	Logan and Starne	74	50	for printing account
	17	Ebenezer Wallen	90	00	pay as trustee, 2d April
	18	S C Faulkner	100	00	do do do
	20	Columbia office	500	00	amount sent to pay expenses
	21	E A Moore	2053	20	being specie paid him on judgment vs bank before J Peace
Dec	9	Hernden Harrelson	71	09	fees as clerk Pulaski circuit court
	12	John Preston, jr.	36	00	services agent, sale lands, Crittenden county
	12	Clerk Jackson county	8	13	fee bills as clerk
	12	Clerk Conway county	11	37	do do
	12	David F Shall	4	00	making plats and field notes of surveys
	31	David J Baldwin	11	00	copies of papers for for attorney
1845, Jan.	9	Sheriff Pope county	15	40	fees as sheriff
	11	Albert Pike	302	87	checks on deposits
	14	B Williams, p m	8	16	Post office account up to this date
	14	Luther Chase	438	60	dividend by order of the board in certain deposite; No. 25, under deed of assignment
	16	John Robins	75	00	work done on banking house
	17	Luke E Barber, clerk	35	71	fees as clerk supreme court
	20	H L Biscoe	100	00	part pay as trustee
	20	Lemuel R Lincoln	10	80	fees as clerk Pulaski circuit court
	20	Helena office	500		amount sent to Helena to pay expenses there
	20	S C Faulkner	250		pay as trustee to 2d April, 1845
	23	Sheriff Pulaski county	7	52	tax on banking house, and fee bill
	28	Ebenezer Wallen	400	00	pay as trustee
	30	Gordon N Peay	17	88	fees as clerk of Pulaski county

B.—Continued.

When paid.		*To whom paid.*	*Amount.*		*On what account paid out.*
Jan	30	Charles Rapley & Co	2	25	For old account against bank
Feb	3	Wm Marlow	23	00	work on banking house
	4	John Robins	27	50	do do
	10	Albert Pike, attorney	750	00	salary from 2d October, 1845, to 2d February, 1846
	10	same	933	23	checks on deposite
	24	Trapnall and Coke	1176	75	judgment before justice of the peace, paid by order of the board,
March	3	A L Gaines	686	67	dividend on certificate of deposite, No. 10, per order of the board
	3	G A Worthen	274	70	do do do 11,
	3	John Drennon	736	00	pay as Trustee
	3	Albert Pike	187	59	salary from 2d Feb to 2d March
	3	same	237	50	checks on deposite
	3	Thos W Newton, cashr and sec'y	500	00	salary from 2d October, 1844 to 2d March 1845
	5	Reuben T Redman	20	00	copying chancery cases for attorney
	6	D W Galloway	2	30	fees as justice of the peace
	31	John Robins	40	03	work on banking house
1845, April	1	Arch. Smith, j. p.	7	50	fees for taking depositions
	1	John P Smith	6	00	fixing spouts on roof of banking house,
	2	Antonia S Magruder	274	33	dividend on certificate of deposit, No. 25
	14	Clerk of St. Francis county	99	88	fee bills as clerk of St. Francis circuit court
	15	A H Davis	200	00	Amount allowed by board for services in N Y.
	15	Expenses	237	39	fees in case Slocum, Richard & Co. N O.
	16	Luther Chase	302	18	dividend on certificate deposite No. 9
	18	Albert Pike	526	43	checks on deposite
	18	Helena office	200	00	Amount to Helena to pay expenses there
	25	Snapp, Howell & Co	25	00	For bring books, &c. from Washington office
	25	Sheriff Hot Spring county	8	90	fee bills
	28	J S Ward, clerk	34	53	fees as clerk Clark county
May	3	Albert Pike, attorney	375	00	salary from 2d March to 2d May 1845
	9	William Field, clerk	53	00	fees as clerk, U. States court
	9	Clerk Pope county	13	10	do do Pope county
	24	Wm Field, clerk	18	08	fees as clerk U. S. court

May	23	B Williams, p. m.	29	58	Amount of postage apc.
June	2	Albert Pike, attorney	187	50	salary from 2d May to 2d June 1845
	6	same	131	93	checks on deposits
	8	Reuben T Redmond	20	00	copying chancery papers for attorney
		Albert Pike	83	00	checks on deposits
	10	William Field	49	44	fees as clerk, U S court
		J S Ward, clerk	53	69	fees as clerk Clark circuit court
	13	Sanford C Faulkner	100	00	pay as Trustee
	14	A Pike	67	17	checks on deposits
	23	Elijah A Moore	46	80	fees in justice court, in suits paid by Trustees
July	2	A Pike, attorney	187	50	salary from 2d June to 2d July 1845
		Thos W Newton, cash'r and sec'y	400	00	do 2d March to 2d July 1845
		S C Faulkner	75	00	pay as Trustee
	17	same	125	00	do do
	18	John Drennon	237	00	do do
	19	Clerk Desha county	3	40	fees as clerk Desha circuit court
	19	Clerk *Jefferson* county	5	75	do do Jefferson do
Aug	30	Gordon N Peay, clerk	31	83	do do Pulaski do
Sept	2	Wm Field, clerk	2	26	do do U S Court
	2	U S Marshal	89	50	fees as U S Marshall
	4	Clerk Conway county	6	16	do clerk Conway circuit court
	5	Clerk and sh'rff Independence co.	15	90	fee bills of sheriff and clerk of Independence county
		Helena Office	250	00	amount sent to Helena office to pay expenses
	22	S C Faulkner	100	00	pay as trustee
Oct	2	Albert Pike	562	50	salary from 2d July to 2d October 1845
	2	same	649	30	checks on deposit
	10	Benj S Duncan, sheriff	10	65	fees as sheriff Clarke county
Nov	9	S C Faulkner	50	00	pay as trustee
Dec	1	Thomas S James, clerk	9	88	fees as clerk Jefferson county
	8	Benj S Duncan, sheriff	4	17	do do sheriff Clark county
	8	J S Ward, clerk	21	23	clerk Clark county
1846, Feb	2	Albert Pike	30	00	check on deposit
March	10	James Lawson, jr. sheriff	575	00	amount paid him for purchase of Jacob Mitchell's property
	11	B Williams, p. m.	13	70	post office apc. to 31st Oct 1845
April	2	T W Newton, cashr. and sec'y.	900	00	salary from 2d July 1845 to 2d April 1846
	7	S C Faulkner	300	00	do as trustee to 2d April. 1846
	7	Albert Pike	250	00	Received by him for R J Ward, N O., settled here

B.—Continued.

When paid.		*To whom paid.*	*Amount.*		*On what account paid out.*
April	11	John Drennon	50	00	Received by him as trustee
	15	same	50	00	do do do
	15	Thomas S James, clerk	5	37	do do as clerk Jefferson county, as clerk fees
July	13	John Drennin	75	00	do do as trustee
	13	S C Faulkner	100	00	do do do
	15	David W Galloway	2	75	taking depositions
	15	Albert Pike	103	32	fees collected by him
	30	same	150	00	On salary apc
Sept	19	Albert Pike	1288	17	being amount collected by him at N Orleans, and charged on salary apc.
Oct	2	same	2250	00	being salary from 2d Oct 1845 to 2d Oct 1846
1847, Jan	14	same	970	91	being amount collected by him in N Orleans and settled here
July	5	John Murry, sheriff	5	00	do paid him for fees as sheriff of Conway county
Sept	8	Financial Receiver state bank	127	00	do collected at Washington office and paid here
	20	James Lawson, jr. sheriff	58	00	being taxes on bank property
Nov	4	Albert Pike	210	00	checks on deposite
	26	same	2625	00	salary from 2d Oct to 2d Dec 1847
	27	same	553	00	for Byer's and Chapman's draft, Arks. $1582 17, at 35c
	27	same	553	75	amount paid Geo Hill for Pike, and charged as salary apc
	27	Post Office, Little Rock	2	20	do do postage
	27	Wm Brown, sr.	32	62	lumber for fence around bank house lot
	27	Edwin Britten's estate	250	00	balance due him as cashier at Washington for services, paid
1848, Jan	1	Albert Pike	1000	00	amount of draft of James Clark on N O
	7	N M Foster	25	00	do paid him as commissioner to sell lands at Helena
	14	Logan and Stern	16	00	printing at Van Buren
	14	Albert Pike	777	85	on salary account
	24	Benjamin P Jett	31	25	rent of bank house at Washington
	29	Albert Pike	281	59	paid him by draft on Notrebe's apc
	29	Richard C Byrd	10924	24	amount of advances made by trustees at sundry times to pay off liens on property
	30	Thos W Newton	100	00	expenses to Helena and N Orleans, by order of board, Dec. 1847
	30	Henry L Biscoe	6500	00	amount placed in his hands to pay Russel's lien in Phillips county
March	21	David B Greer	10	50	cert's and seal for secretary of state, for attorney.
	23	Wm Brown, sr.	6	18	lumber for fence

April	3	Sheriff Hempstead county	9 17			For fee bills
	3	Washington Telegraph	15 00			advertising in newspaper
	3	Geo Hill	188 90			pay as trustee
	4	Johnson Chapman	49 06			do clerk at Columbia
	4	Joshua M Craig	150 00			rent of office at Columbia
	4	Albert Pike	300 00			Romulus Payne's draft on N Orleans, part of salary
		same	1167 09			L L Johnson's do do do
		same	289 83			J J Offutt
	26	same	122 09			
Sept	7	B M Browdar, attorney,	218 00			Amount of draft, as attorney, by order of board
	8	Thos S James	30 30			For fees as clerk Jefferson county
	8	Sheriff and clerk Chicot county	165 00			fees in cases N & Cummins
	8	Albert Pike, attorney	2213 49			S D Walker's draft on N Orleans, part of salary,
	8	same	200 00			collection on J Barkman draft,
	27	Benjamin S Duncan, sheriff	65 04			paid him for fees as sheriff of Clark county
	27	J S Ward, clerk	88 52			do do as clerk do do
	27	Post office, Little Rock	6 90			postage
	29	Luke E Barber, clerk	52 51			fees as clerk of supreme court
Oct	9	B H Pearson clerk	31 25			do do Washington county
Nov	13	Ezekiel Nance, sheriff	81 19			do do Hempstead do
	13	same	13 46			taxes do do do
	20	S C Faulkner	45 00			part pay as trustee
	25	J K Underwood	61 54			printing in Helena Shield
	27	A M Ward, clerk	119 56			fees as clerk of Johnson county
1848, Dec	16	H L Biscoe		2063 00	Included in charge to H Biscoe of $6500 00	Being pay as trustee to 2d Oct 1848, at $750 per annum
	16	same to Chas Adams		800 00		do to redeem land in Crittenden county
		same to Wm Barnes		429 35		do for printing accounts at Helena
		same to Wm N Baslic sheriff		219 73		do for fees as sheriff of Phillips county
		same		95 27		do for tax title Edward's land, 1845 and 1846 Phillips co.
		same		11 78		do do do do
		same		25 00		do for messenger to attorney, above courts
		same		20 00		do for fees for writs in Crittenden county
		same		95 00		do for taxes on lands in Phillips county
	19	Absalom Fowler, attorney	265 00			Being judgment, J N Dickinson
	20	J S T Calloway, sheriff	20 42			do fees as sheriff of Clark county
	20	W E Woodruff	11 80			do for taxes on land of John T Jones, Union county
	22	Wassel & Morrison	123 15			do for work on banking house

A—Continued.

When paid.		*To whom paid.*	*Amount.*	*On what account paid out.*
1848, Dec	23	Quindly, sheriff	13 85	For fee bills as sheriff of Conway county.
	27	Clerk Chicot county	95 58	do clerk of Chicot county
	28	A M Ward clerk	4 68	do do Johnson county
1849, Jan	26	E M M'Crackeu	28 60	fixing gutters to banking house
Feb	12	Luther Chase	38 28	redemption of John Wilson's land for auditor
	23	Post office Little Rock	4 40	postage to 31st Oct 1848
April	25	John Wassel	17 00	work on Banking house
May	4	Geo Hill	1209 04	pay as trustee
	30	R R Smith clerk and sheriff	62 32	fees of sheriff and clerk of Washington county
	30	Edward A Scott	150 00	pay as clerk at Van Buren
June	6	Lemuel R Lincoln	22 75	stationery
	26	John C Peay	2 00	fees as justice of the peace taking depositions
	27	Post office Little Rock	3 25	postage
Aug	6	Simon T Sanders	320 70	collection at Washington
1850, Jan	16	Post office Little Rock	4 45	postage to 31st Dec 1849
	16	Albert Pike	100 00	part salary collected from Gentry
	17	Brown and Fenno	35 00	redemption of James De Baun's land
	17	Albert Pike	100 00	part of salary, collection for Moore's debt
	17	Expenses	8 26	costs, case Moore and others
March	31	Post office Little Rock	1 45	postage to 31st March, 1850
June	12	Thos D Merrick & Co	118 38	dividend on certificate deposit No. 2, per McDonald
	21	S C Faulkner, trustee	18233 17	advances made to him, and collections made by him
	21	same	21 62	do do do do do do
	21	Albert Pike	500 00	on salary apc to 22d January 1849
	26	Expenses	14 00	amount of taxes paid city of Little Rock on property
	26	Albert Pike	408 00	on salary apc per F E Whitfield
	26	Expenses.	3 00	paid by Pike for authenticating papers for attorney
	26	Robert C Farrely	20 00	do do for a trip to Polk county, to examine records
	26	Wm [illegible] Neil, clerk	35 18	do do fees as clerk Chicot county
	26	Expenses	5 00	do do for postage
	26	S C Faulkner $109,981 17	303 00	do do to Faulkner part pay as Trustee
Nov	5	F W Trapnall	238 00	taxes &c., DeBaun property and dower to Mrs DeBaun

	13	Luther Chase	150	00	part pay as trustee
	13	Post office	2	50	postage as per account paid
	20	T D Merrick & Co	1	50	ink as per account paid
1851, Jan'y	13	John Robins	14	50	work on banking house allowed and paid
	15	Philip Prash	32	00	wood furnished trustees, in '49, '50, '51
	18	Post office	3	50	postage as per account filed
	18	John Wassell	12	00	work on banking house per order of board
March	3	W E Woodruff, land Agent	525	93	taxes on land in 1850 as per account filed
	15	B F Danley, sheriff	38	85	fees clerk and sheriff Pope county, as per account
	19	Luke E Barber	100	00	fees clerk supreme court
	29	Post office	1	20	postage as per account paid
July	2	Thomas W Newton	600	00	salary as cashier from 2d January to 2d July—6 months
	2	B F Danley, sheriff	15	48	fee bills Franklin county
Aug.	18	Post Office	9	71	postage as per account filed
Nov	2	Thomas W Newton	400	00	salary as cashier from 2d July to 2d November, 1851, 4 months
	19	James H Walker	180	00	Amount paid by S T Saunders in account paid as trustee
Dec	5	J B Standifer, sheriff	76	54	For fees as sheriff Hempstead county bills filed
	9	Clerk Conway county	7	95	fee bills filed
	10	Clerk Clarke county	9	00	do do
1852, Jan	6	J J Thompson, j p.	15	00	taking depositions in Cloy's case
March	24	J W Smith, clerk	116	90	fees paid by E Cummings for fee bills filed
April	1	W F Pope, P M	11	07	postage account to 31st March. '52, filed
	21	S C Faulkner	150	00	pay as trustee 2d November, 1851
May	2	Thomas W Newton	600	00	salary as cashier from, 2d November 1851, to 2d May 1852
	6	S C Faulkner	130	00	articles left on his plantation, allowed by board
	24	same	225	00	balance pay as trustee up to 2d May, 1852
	25	W S Davis	5	40	account allowed by board for arranging land
June	19	S C Faulkner	62	50	pay as trustee from 2d May to 2d June, 1852
	25	William R Miller, clerk	25	21	fees clerk Independence as per account filed
Sept	2	S C Faulkner	187	50	pay as trustee from 2d June to 2d September, 1852
	2	same	155	00	account allowed him by board for hire of negroes on plantation
	15	W F Pope, p. m.	2	48	postage
Oct	1	John M Buttler	179	00	account for printing filed
	1	John Drennon	1019	87	balance pay as trustee from 2d April 1849, to 2d April 1852
Nov	2	S C Faulkner	125	00	pay as trustee
	10	John Robins	1	50	account work on banking house
	15	E O Brien, sheriff	16	05	fees sheriff Washington county, bill filed

B.—Continued.

When paid.	*To whom paid.*	*Amount.*	*On what account paid out.*
Nov 15	J C Pitman	47 61	For fees clerk Washington county
24	A Pike, attorney	906 97	salary as attorney to 2d January, 1852
24	same	2062 50	do do from 2d January to 2d December 1852
26	Sheriff Clark county	25 39	fee sheriff paid to W E Woodruff per bill filed
26	Sheriff Drew county	22 10	do do do do
26	Clerk Clark county	11 25	fees as clerk do do do
26	Sheriff Clark county	61 54	do sheriff do do do
26	Claim George C Watkins	60 59	balance Faulkner debt
26	A C Owen sheriff	20 50	taxes on land Lafayette county
24	J A Hutchens	5 10	Amount paid him for transcript in case Cloy's heirs
Dec 2	B C Crump sheriff	275 00	For taxes 1852 lands Crittenden county
	Total amount	$118,895 88	

C.

ACCOUNT OF ALL STATE BONDS RECEIVED BY CASHIER AND SECRETARY FROM 2D APR'L, 1842.

When received.		*From whom Received.*	*Kind of Bond.*	*Amount of Bonds.*		*Remarks.*
1844, April	1	Van Buren office	1 R E	$1120	00	Six per cent. Bonds
	1	Joel Johnson	2 State B	2270	00	do do do
	5	William Armstrong	16 do	17766	56	Five do do
	20	Frederick Notrebe	1 do	1088	34	Six do do
	22	Helena office	3 R E	3141	66	do do do
	22	Columbia office	6 do	6110	00	do do do
	22	W H Gaines	2 do	2293	52	do do do
Aug	1	Frederic Notrebe	1 State B	1095	00	do do do
1845, March	3	Van Buren office	1 do	1185	00	Five per do do
Nov	10	Isaac N Barnett	2 do	2394	17	do do do
1846 Jan	10	Helena office	5 do	6000	00	do do do
March	2[illegible]	A H Davis	6 R E	7390	00	Six do do
June	11	Washington office	8 do	9841	51	do do do
	11	same	4 State B	5165	3[illegible]	Five do do
Sept	19	David F Shall	1 R E	1313	17	Six do do
Nov	10	Helena office	11 State B	13609	10	do do do
1847, Aug	9	Washington office	12 R E	17217	45	do do do
1848. Feb	2	Van Buren office	2 State B	2703	75	do do do
May	1	John H Strong	1 do	1400	00	do do do
	16	Balen Stricklen	4 do	5075	00	do do do
	16	same	2 do	2825	00	do do do
June	12	Morehead Wright	7 R E	9709	00	do do do
July	1	Fleetwood Hernden	2 do	2180	00	do do do
Oct	16	Van Buren office	1 do	1395	00	do do do
Nov	13	George Hill	4 State B	5560	00	do do do
	13	same (by A Pike)	3 R E	4280	00	do do do
	13	Columbia office	8 do	9980	00	do do do
	13	same	4 State B	5673	48	3 exch'd with J M Ross for R E Bonds, from him $1510
	23	Helena office	2 do	2530	00	Six per cent bond
	23	same	9 do	12258	42	do do do

C.—Continued.

When received.		*From whom Received.*	*Kind of Bonds.*	*Amount of Bonds.*	*Remarks.*
1848, Nov	25	W H Gaines	3 R E	4242 00	Six per cent. Bond
1849, July	9	L Brodie (by D Walker	1 do	1480 00	do do do
Sept	10	J Scull jr (by S H Tucker	2 do	2980 00	do do do
1850, May	21	Columbia office	1 do	1420 00	do do do
	27	H Cheatham pr Sand'rs	1 do	1455 00	do do do
June	29	Columbia office	1 State B	1000 00	do do Interest not known to be credited hereafter
July	8	Helena office	2 do	3020 00	do do
	8	same [Blevins	2 R E	2960 00	do do
1849, Sept	8	J M Ross, F Recv'r for	1 do	1492 00	do do
1850, Nov	5	Columbia office	2 do	3080 00	do do
			147 Bonds	$187590 00	

HOW THE FOREGOING 147 BONDS WERE DISPOSED OF.

1845, June	24	19 State Bonds exchanged with State Bank for Real Estate Bank notes	$22,247 50	
		Less the accumulation of interest from receipt of Bonds until exchanged	1,115 94	
				$21,131 56
1848, Nov	2	21 State Bank Bonds } same as above	$64,208 36	
		35 Real Estate Bonds } Deduct interest accumulated as above	7,607 03	
				56,601 33
Jan	30	15 State Bank Bonds sold in N Orleans for $4000 to pay William Russel for lien upon lands in Phillips county	$20.362 50	
		Less accumulation of interest from time receipted until sold	3.789 64	
				16,572 86
Jan	14	2 State Bank Bonds paid to State Bank for Albert Pike on salary apc. *a*30 cts.		2,592 34
1849, July	9	1 Bond to John Drennon for pay as Trustee, *a*30 cts.		1,480 90
1850, July	8	5 Real Estate Bonds to W H Gaines, by order of Trustees for Real Estate notes	$7,707 50	
		Less accumulation of interest on same	879 58	
				6,827 92

[illegible]

2 Bonds to J M Ross, Financial Receiver of State Bank, for payment to J M Tibbetts, certificate of deposite for Arkansas notes	3,015 00
57 Bonds on hand, and interest thereon when received, 5 November, 1850	
147 Bonds	$187,590 01

STATE BONDS RECEIVED SINCE THE 5TH NOVEMBER, 1850.

When received.		From whom Received.	Kind of Bonds.	Amount of bonds & interest.
1851, June	2	Balen Stricklen	2 R E Bonds	$3190 00
July	1	Silas Craig	4 R E Bonds	6310 00
Oct	9	Morehead Wright	9 do do	14548 50
Nov	17	J S Peak (40 coupons		1200 00
	17	J M Wilson (2 coupons		60 00
	19	A and A Block	2 State Bank	3140 00
Dec	22	same	2 do	3200 00
	22	same	2 do	3200 00
1852, May	1	N and D Hayden	1 Real Estate	1570 00
	1	Johnson Chapman	1 do	1630 00
	1	S C Roane 45 coupons		1350 00
	4	T Carrington	1 State Bank	1505 00
	5	Morehead Wright	9 Real Estate	14548 50
	5	same (8 coupons		240 00
	5	A H Davis	3 do	4733 61
	5	Silas Craig	8 do	13040 00
	5	same (18 coupons		540 00
	5	J S Peake	2 do	2041 66
	5	W D Pettit (63 coupons		1890 00
	5	same	6 do	9904 98
	5	Helena office	2 do	3080 00
	6	Romulus Payne	1 do	1629 83
	10	Enoch J Smith	2 do	3240 00
	10	same	1 State Bank	1471 67
	10	Jas H Walker	1 Real Estate	1000 00
	10	same	1 State Bank	1540 00

Remarks.	
57 Bonds on hand 5th November, 1850	$79,369 00
92 do received since	147,676 92
149	$227,045 92
8 off, disposed of as follows:	
141	
1851, *Jan* 17, 2 Bonds, L Chase, trustee	2,960 00
May 9, 2 exchanged with state Bank	3,115 09
2 paid by Newton, state bank	2,009 28
2 pr sale of Adams' land	3,764 50
	$11,848 78
141 Bonds on hand amount to	$215,197 14
218 coupons do do	6,640 00

C.—Continued.

When Received.	*From whom Received.*	*Kind of Bonds.*	*Amount Bonds and interest.*	*Remarks.*
May 10	Green R Cheatham	1 State Bank	$1540 00	
10	same	1 do	1600 00	
15	Greene and Nance	1 Real Estate	1622 50	
19	Jas S Conway	1 do	1600 00	
June 15	Ephraim Mirich	1 do	1627 50	
July 8	Hugh A Blevins	1 do	1631 17	
19	John Drennon	1 do	1630 00	
Oct 1	Lewis B Fort	1 State Bank	1675 00	
Nov 10	L L Johnson	22 Real Estate	36.333 00	
10	same	2 State Bank	3303 00	
		92 Bonds	$147.676 92	
			5280 00	
		176 Coupons		

D

LIABILITY OF THE TRUSTEES AND OFFICERS OF THE REAL ESTATE BANK AS PRINCIPAL AND AS SECURITIES.

Names.	*Amount as Principal.*	*Amount as Security.*	*When due.*	*How Secured.*
Henry L Biscoe		2400 00	1840, Jan 26	Davis Thompson, R H Yeates
do		673 72	1842, Jan 1	Edmond Ross, A H Sevier
do	795 00		1847, Jan 5	Assumed for L P Craig, Helena office
do	2010 00		5	do E B Strong do
do	255 72		Feb 22	do John Hastin do
do	57 50		1848, Jan 22	do A Fleener do
do	2002 90		April 8	do W H Patterson do
do	1333 33		1849, Oct 16	do Wm Strong do
do	3712 27		1043, May 26	Note Henry L Biscoe do
do	3319 29		1848, Nov 15	do do for one half W F Moore's debt
do		160 00	1840, Oct 28	W B Anderson, R H Yeates
do		1000 00	Jan 19	Thos J Neely, J J Shell
do	2200 00			For 6 Negroes, A J Gruer, in his hands for sale
do	2200 00		June '49 & '50	Notes of W H Carroll for lands, Bowie & Burnett, $992 paid
do		2500 00		Negroes of T J Carl under deed of trust, in hands of Biscoe
do		450 00	1853, Jan 1	For engine, sold from mill of Wm Cummins, to George and Wm Porter
		400 00	1852, Dec 25	For lot 77, sold to Joshua Skinner
	$17,886 04	$7535 72		
John Drennon	2000 00		1849, Jan 1	Secured by plantation and negroes in Chicot county, being for the debt of Benj Hughes, the last note is to be paid when title is had to certain lands—it being defective.
do	20,397 53		1853, Oct 25	
do	4160 00		1850,	
	$26,557 52			
Sanford C Faulkner				
James H Walker	2800 00		1844, Oct 25	Stock note } credit on book, $5,950 90
do	1947 00		1850, Jan 1	do do

D.—Continued.

Names.	*Amount as Principal.*	*Amount as Security.*	*When due.*	*How Secured.*
Jas H Walker		3513 13	1849, Jan 1	Wm Mulkey, for land
do		2504 68	1	G K Cheatham, M V Cheatham
do		1307 97	1	Joseph Stuart, M V Cheatham
	$4747 00	$7325 78		
Luther Chase	2725 85			Balance on Book
do		2142 86	1845 Jan 1	Jas Lawson. B J Borden, Wm B Borden, P L Anthony
do		2142 86	1	B J Borden, Jas Lawson, W B Borden, P L Anthony
do		612 50	1	Edward Dunn and R F Dunn
	$02725 85	$4898 22		
Albert Pike, Att'y	13,895 00		1852, Jan 1	Secured by Mortgage on house and lot in Little Rock
do	7232 00		1851, Jan 14	do being for family of negroes taken from E Cross
	$21,127 00			
T W Newton, c'r & sec.	303 79		1852, Jan 1	

E.

STATEMENT of the accounts of the Cashier and Secretary, of the Trustees of the Real Estate Bank, November, 1852, embracing all the assets which have come to his hands since 2d April, 1842.

For assets turned over from following offices to-wit:			
Columbia office		$643,658 06	
Helena do		122,695 69	
Washington do		206.775 88	
Little Rock do		209,177 24	
Van Buren do		9,084 43	
			$1,191,391 30
Certificates of Deposite.			
For R E notes deposited by following persons, and certificates still unpaid, viz:			
No. 2, James R McDonald, date 21st October 1842, balance 6 per cent. interest		355 17	
No. 7, Elijah A Moore, date 27th Jan. 1843, balance 6 per ct interest,		250 00	
No. 7, Geo A Worthen, date 25th March, 1843, balance 6 per ct interest		824 13	
Deposited within 12 months under deed of assignment		$1,429 30	
No. 30, E. A Moore, date 14th June. 1843	$255 00		
No. 43, do do 17th January, 1845	890 00	1,155 00	
			2,584 30
Deposit Account.			
Being amount standing to credit of individuals to pay on notes, and including deposit of Samuel Bevan for which he held certificates for $748, bearing no interest, date 8th March, 1844, and also deposit to credit of *Glasgow & Harrison*, 18th Sept. 1841, for $980, without a certificate			150,769 68
Real Estate Bank Account.			
Being balance capital stock apc. Little Rock and Washington, also the balance of circulation apc. at same offices			98,839 00
For State Bank at Fayetteville, balance of apc.		140 81	
For Canal and Banking Co., New Orleans		16 50	
			157 31
For Profit and Loss apc		104 947 08	
Interest apc.		86,344 02	191,291 10
For balance due following individuals on account, are			
George Hill, Trustee,	$372 62		
F. Walters,	1,718 26		
Henry L. Biscoe do	2,431 49		
A Pike, Attorney	906 99		
Jas H Walker, Trustee,	217 18		5,645 94
Circulation.			
Total amount of notes ever issued;	$854,650 00		
do do burnt; $784.730			
do do on hand, 17,940	802.670 00		
	$51,980 00		
			$1,640,675 62

E.—Continued.

By notes discounted, Little Rock and Washington office		$470,738 37	
Bills Exchange		36,177 19	
Stock notes		298,170 32	
			$805,085 88
By bonus to the State		6 250 00	
State in apc. of bonus		475 00	
J W Edmond's New York claim in suit		6.667 67	
			13,392 67
By Real Estate apc., being amount allowed for lands taken in payment of debts, including $24,256 49, the cost of banking House and lots, Little Rock.			427,995 66
Judgment apc., being balance of apc., for judgment in issue paid			1,330 49
Expense Account.			
Being total expenses paid by Little Rock office since 1842			102,555 06
Advance for general Interest apc.			
Being amount advanced by President Bank previous to assignment		33,196 05	
Advance for Sennal expenses			
Being amount advanced by President Bank previous to assignment		13.567 08	
			46,763 13
Bank Washington, D. C. balance apc.		369 48	
North American Tr and Banking Co.		18 26	
			387 74
State Bond Account.			
For balance loan to Genl. Yell, six bonds of State, at 5 per cent.			6.000 00
Amount balance individual apc. on Ledger			16.360 96
Cash account, ledger		197,161 37	198,755 26
Specie account		1.593 89	22,048 77
Balance this apc. to be carried to notes and bills, cash assets on hand as follows:			
In notes of Real Estate Bank and branches	$17.940 00		
In 12 State Bank bonds and in'st. when taken	18,568 00		
In 129 R E Bank bonds and int. when taken	196.630 14		
In 222 coupons from R E bonds	6.660 00		
	$239,798 14		
Less amount of bonds and coupons paid for land to save debt of Saml. Adams	3,764 58		
		236,033 56	
By amount good money, drafts due and maturing in New Orleans, to 10th January, 1853		20,586 42	
Gold and silver $171 50, Tennessee money $755 00		926 50	
Uncurrent Mississippi money re'd from Helena office		481 00	
		$258,027 48	
			$1,640,675 62

F—CHICOT COUNTY.

By whom conveyed to the Bank.		*Part of Section.*	*No. of Section.*	*Town.*	*Range.*	*No. of acres.*	*Former Owner.*
Anthony H Davis		n e	4	12	1	160	A H Davis
do		e half n w	4	12	1	80	
do		s e fractional	4	12	1	95 91	
do		fractional	3	12	1	140	
Benj P Gaines		w fractional h'lf	4	12	1	288.82	B P Gaines
do		w h'lf n e frac't	5	12	1	80	
do		n e n e	5	12	1	40.24	
do		w h'lf fractional	5	12	1	33.72	
do		w half s e	5	12	1	80	
do		e h'lf lot no. 1					
do		of n e fr qr	5	12	1	40	
do		e half s e	5	2	1	80	
Solomon Chapman		s half s e	26	15	1	80	Wm and James F Taylor
do		n e	35	15	1	160	
do		e half n w	35	15	1	80	
do		e half s e	35	15	1	80	
do		w fract half fr	36	15	1	280.04	
Wilford Garner, sh'ff and commissioner		w half s w fract	8	13	1	80	P Hanger
		w half fraction	17	13	1	320	
do	An undivided one half of	e half sw	22	14	2	40	
do		w half	27	14	2	160	
do		s e	28	14	2	80	
do		e half n e	28	14	2	40	
do		n e	33	14	2		
do		e half s e	33	14	2	127.02	
do		w half n w	35	14	2	40	
do		fractional	34	14	2	350.21	
Wm J Neale, as commissioner		s w fract qr	11	16	2	57 31	Benjamin Hughes
		east half	15	16	2	320	
do		east half	22	16	2	320	
do		n w fract qr	14	16	2	76 41	
do		s fr half	14	16	2	118.04	
do		north west	26	15	2	160	
do		north east	27	16	2	60	
C C Stuart		s part s e fr qr	30	19	1	102.12	C C Hughes
W J Neale as commis'r.	An undivided one half of	south east	6	19	1	80	Wm Cummins
		w half n e	6	19	1	40	
do		e half n east	6	19	1	40	
do		east half	7	19	1	160	
do		east half	18	9	1	160	
do		east half s west	18	19	1	40	
do		east half	19	19	1	160	
do		south west	19	19	1	80	
do		e half north w	19	19	1	40	
do		south west frac.	23	19	1	26.50	
do		north half	30	19	1	160	
Johnson Chapman, as commissioner		south east frac.	13	15	1	49.08	Benj L Miles
		east half	24	15	1	320	
do		east half n e	25	15	1	80	
do		east half n w	25	15	1	80	
do		s w fractional	25	16	1	154 54	
do		north west	36	15	1	160	
do		res d n fr n e qr	36	16	1	82.68	
Silas Craig		undivided h'lf fr	28	18	1		Silas Craig
do		do w hl'f fr	33	18	1	900	
do		north west	34	14	1	160	
do		s w fractional	35	14	1	49.80	
						7497.07½	

CHICOT COUNTY.

By whom conveyed to the Bank.	Part of Section.	No of Section.	Town.	Range.	No. of acres.	Former Owners.
James Clark & Martha O. his wife	s e fractional	25	19 s	2 w	106	James Clark
	e fr qr s w fr qr	25	19	2	17.16	
do	part s e	25	19	2	31.13	
do	fractional	36	19	2	92.49	
do	west part frac	31	19	2	121.67	
do	south west	30	19	2	160	
do	part w h'lf s e	30	19	2	70	
S C Faulkner and wife	south west	27	14	1	160	S C Faulkner
	south half	34	14	1	320	
do	north east	34	14	1	160	
do	south east	27	14	1	160	
Wm Field	n w fr half	13	16	1	124.97	Wm Field
do	n e qr	14	16	1	164	
					1747.32	

CLARK COUNTY.

By whom conveyed to the Bank.	Part of Section.	No of sec.	Town.	Range.	No. of acres.	Former Owners.
	n half n e	36	8 s	23 w	80	John Wilson
James S Ward, as commissioner.	s e	31	8	21	160	John M Linton.
	n e s w	31	8	21	40	
	n w	5	9	21	160	
	n half n w	25	8	23	80	John Wilson
	s e	25	8	23	160	
	w half n e	25	8	23	80	
	n e s w	25	8	23	40	
	fr part of s e s w	25	8	23	160	See above
Abner E Thornton	south east	3	9	22	160	A E Thornton.
	n half n e	10	9	22	80	
	n e n e	10	9	22	40	
	s half s e	11	9	22	80	
	n half s e	11	9	22	80	
	n e n e	14	9	22	40	
	n e fraction fr	6	9	21	157.44	
	e half n w	5	9	22	75	
John S T Calleway sheriff	s e s e	6	8	22	40	Jas Williams
	w half s e	6	8	22	80	
	n w n e	7	8	22	40	
	e half n e	19	8	22	80	
	s w	5	9	22	166	A B Caruthers
S T Sanders, com'sr	w half n e	10	9	21	80	R F Sullivan
John D Trimble, master in chancery	n w	10	9	22	160	Oakley & Finley.
	s w	3	9	22	160	
					2472.44	

DREW COUNTY.

By whom conveyed to the Bank.	Part of Section.	No. of sec	Town.	Range.	No of acres.	Former Owner.
W J Neal, as commissioner	w half n w	17	15 s	5 w	80	Benj Hughes
	w half s w	17	15	5	80	
Wm H Gaines	s e	14	14	4	160	W H Gaines
do	e half s w	14	14	4	80	
Arch K Gaines and Margaret S his wife	s e fr part of s e fr qr	10	14	4	21.38	A K Gaines
do	e half	13	14	4	350	
do	w half s w	14	14	4	80	
do do	s e fr part of n w fr qr	15	14	4	30.64	
do	s e fr s e fr	15	14	4	112.61	
do	n e fr qr	15	14	4	131.19	
do	n e	22	14	4	131.10	
do	w half s e	22	14	4	80	
do do	n e fr part of n e fr qr	22	14	4	18.13	
do	e half s e	22	14	4	80	
do	e fr part s e	23	14	4	45.59	
do	e half s w fr	23	14	4	77	
do do	w fr part of s e fr qr	23	14	4	103.33	
do do	s w fr part of n w fr	23	14	4	41.83	
do	n w	25	14	4	160	
do	s half	25	14	4	320	
do do	s w fr qr and s fr part	26	14	4	95 65	
do	s fr qr fr	26	14	4	76 96	
do do	w fr part of n e fr qr of fr	26	14	4	57.05	
do do	n fr part of s w fr qr	26	14	4	53.38	
do	e half n w fr	26	14	4	77	
do	n half s e	26	14	4	63.91	
do	s half n e	26	14	4	55.44	
do do	n e fr part of n e fr qr	26	14	4	41.72	
do	s w	35	14	4	154.01	
do	n fr part of s e	35	14	4	79.44	
do	w half n w fr	35	14	4	77.06	
do	n e fr qr fr	35	14	4	154.12	
do do do	part s e fr qr on right bank of bayou	35	14	4	37 14	
do	e resid of n w fr	35	14	4	77.06	
E J Gray	s w	28	14	4	160	E J Gay
					3412.74	

MISSISSIPPI COUNTY

By whom conveyed to the Bank.	Part of Section.	No. of sec	Town.	Range.	No. of acres.	Former Owner,
A J Greer	south west	19	10 w	10 e	74.44	A J Green

CRITTENDEN COUNTY.

By whom conveyed to the Bank.	Part of Section	No. of sec.	Town.	Range.	No. of acres	Former Owners	Remarks.
Chas N Blackman	n w n w	30	7 n	8 e	131.64		
do	s w s e	19	7	8	40		
do	s w fr half fr	28	7	8	59.39	C N Blackman	
do	und'v. hlf s w qr	19	7	8	92.10		
Wiley Lewis	s e fract qr	6	9	9	93.69		
do	e half s w fract	6	9	9			
do	n fr half fr	7	9	9	151 77	W Lewis	
do	on isl'd s hf s w	11	9	8			
do	n e fr qr fr	13	9	8	114.28		
Horatio N Ferguson	n w fr	29	8	9	30		
do	n half	30	8	9	320	N H Fergu-	
do	s e	31	8	9	160	son	
do	s fr half	32	8	9	229.12		
Wright W Elliott	s w fr	12	8	8			
do	n w	12	8	8	345.78		
do	s e	12	8	8			
do	s w s w	7	8	9	120		
do	e half s w	7	8	9			
do	n w n w	18	8	9			
do	e half n w	18	8	9	320		
do	s w resid s w	18	8	9			
do	n e	18	8	9		W W Elliott	
do	w half n w	17	8	9	80		
do	n w	22	8	8	160		
do	pt of Span. con.						
do	to R Fooy		8	8	544.44		
do	s e	25	7	8	160		
do	n e	36	7	8	160		
do	w half n e	35	7	8	80		
W D Ferguson	s e	22	7	8	160		
do	s w	22	7	9	160		
do	w half	15	6	6	320		
do	fraction	19	8	9	252.05		
do	fraction	20	8	9	4.86		
do	s w fraction	29	8	9	57.60		
do	s e	30	8	9	160		
do	n e	31	8	9	160	H D Fergu-	
do	n w	32	8	9	109.23	son	
do	n fract half	6	5	9	276.32		
do	*s half	21	5	9			*No sec. 21 in this town.
do	e half	15	6	6	320		
do	e half s w	14	6	6	80		
do	s e s w	14	6	6	40		
do	n e	21	6	6	160		
do	w half n w	22	6	6	80		
Andrew J Greer	s w n w	14	6	6	40		
do	w half s w	14	6	6	80		
do	n e	21	6	6	160		
do	w half n w	22	6	6	80		
do	s e	4	7	9	160		
do	fr	3	8	9	475.80		
do	n w	24	10	9	67.06		
Parry W Porter an undivided half	w half s w	3	3	7	80		
do	w half n e	4	3	7	80		
do	s half & n w	4	3	7	480	P W Porter.	
do	n w	4	3	7	160		
do	s half	10	3	7	320		

CRITTENDEN COUNTY.

By whom conveyed to the Bank.	Part of section.	No. of sec	Town.	Range.	No. of acres.	Former owners.	Remarks.
	und'vd half sec.	9	3n	7 e	640	P W Porter	
Parry W Porter	n w	10	3	7	160	do	
do	east half	11	3	7	320		
do	e fr half	15	3	7	212.35		
Fletcher and Thorn	e half n e fr	6	7	8	80.48	Fletcher and Thorn	
do	w fr half n e fr	6	7	8	80.25		
do	e fr half n w fr	6	7	8	80.01		
do	w half n w fr	6	7	8	103.09		
do	w half s w fr	6	7	8	101.74		
do	w half n w fr	7	7	8	166.22		
do	e half n e	31	8	8	80		
do	w half n e	31	8	8	80		
do	s w fr	31	8	8	160.36		
do	s w n w	32	8	8	40		
Isaac Bledsoe	s w	3	3	6	160	J. Bledsoe	
do	s e	4	3	6	160		
do	e half s e	8	3	6	80		
do	n w s e	8	3	6	40		
do	n half s w	8	3	6	80		
do	n w n w	9	3	6	40		
do	s w	9	3	6	160		
do	w half n e	9	3	6	80		
do	n w fr	11	3	6	155.87		
F Boyd Read	e half n e	35	7	7	240	F B Read	
do	n w	36	7	7			
George Redman	e fr half fr	3	7	9	453.63	G Redman	
do	s w	2	7	9			
Fletcher & Hubbard	n w	18	7	8	160	F & H	
Wm M McPherson and John A Craig	w half & n e resid s e qr	25	5	7	600	W M M&V AC	
do	n w n w	36	5	7	40		
do	lot No. 2 n w	30	5	8	134.59		
Albert Pike	e half	15	7	8	320	J Drennon	
do	w half	11	7	8	320		
	s e	7	3	6 w	160	These lands belong to estate of A Drier, and were sold for taxes 1852, Dec., purchased and redeemed for the trustees by Chas. Adams, part of them being mortg'd by Drier for stock	
	n half n e	18	3	6	80		
	s half s w	8	3	6	80		
	section	17	3	6	640		
	s w s e	8	3	6	40		
					14294.52		

UNION COUNTY.

By whom conveyed to the Bank.	Part of Section.	No. of sec	Town.	Range.	No. of acres.	Former Owner.
John T Jones and Caroline, his wife	e half	25	16 s	18 w	320	John T Jones
	n e	35	16	18	160	
	n half	36	16	18	320	
					800	

ST. FRANCIS COUNTY.

By whom conveyed to the Bank.	Part of Section.	No. of sec	Town.	Range.	No. of acres.	Former Owners.
Elliot & Dobson	w part s e fract	4	4 n	4 e		
do	s w	4	4	4	184.08	
do	n e	8	4	4	160	
do	n half	9	4	4	308.44	
do	n w fractioal	10	4	4	95.70	E and D
Eli Noble	n e s w	18	5	4	134.57	
do	s e n w	18	5	4		
do	w fr half n e pt	18	5	4		
do	w half s e	7	5	4	80	Eli Noble
William Strong	s e fraction	17	6	4	1294.11	
do	e half	20	6	4		
do	n half s w	20	6	4		
do	n e	30	6	4		
do	s w frac part of s e frac	29	6	4		
do						
do	s w frac part of n e frac	29	6	4		
do						
do	e half w half	29	6	4		
do	s part s w frac	28	6	4		
do	n w part	30	5	4	157.03	
do	n e part	17	6	4	320	
do	s w	9	6	4		
do	n w	30	3	4	160	
do	s pt of 2374		6	4	255	Wm Strong
do	or					
do	Sp sur. 2274					
Burress & Dodson,	w fr half	29	6	4	185.78	B and D
J J Thompson	s e	6	3	4	160	
do	e half n e	6	3	4	80	
do	s part s w frac.	7	3	4	355.44	J J Thompson
Zachariah Downs	w half s w	24	5	3	80	Z Downs
Wm Harrison	s w	19	5	4	160	
do	n w s w	18	5	4	40	Wm Harrison
Mark W Izard	n half	33	5	3	320	M W Izard
Green B Myrick	s w	4	4	4	160	
do	n e fractional	4	4	4	24.82	
do	part n w	10	4	4	50	G P Myrick
Thos J Curb	e half a pt claim No. 500		6	4	320	T P Curb
do						
Wm Mitchell	w half s e	33	5	3	70.50	Wm Mitchell
Smith Johnson	s e	15	3	3	160	S Johnson
John Houston	n w	19	5	4	160	J Houston
					5475.47	

WASHINGTON COUNTY.

By whom conveyed to the Bank.	Part of Section.	No. of sec	Town.	Range.	No. of acres.	Former Owner.
Wm L Weddington & Hannah his wife	n e	21	14 w	32 w	160	W L Weddington
	s e	26	14	32	160	
do	e half s w	26	14	32	80	
					400	

SEBASTIAN COUNTY.

By whom conveyed to the Bank.	*Part of Section.*	*No. of sec*	*Town.*	*Range.*	*No. of acres.*	*Former Owners.*
Albert Pike	s e	34	9 n	32 w	160	John Drennen
G E Pickett and Catharine B his wife, and John Gregg	s e	20	8	30	160	
	s w	21	8	30	160	
	n e frac	21	8	30	136.95	Pickett and Gregg
	e half	32	8	31	800	
	s w	32	8	31		
	s w	33	8	31		
	n e	31	8	31		
	s e qr	26	8	32	160	
	section	35	8	32	640	
	n w qr	26	8	32	160	
	e half n e qr	26	8	32	80	
	n half	25	8	32	320	
	w half n e	24	8	32	80	
	s e	24	8	32	160	
	w half s e	13	8	32	80	
	s w fr	18	9	29	70.36	
					3066.31	

ASHLEY COUNTY.

By whom conveyed to the Bank.	*Part of Section.*	*No. of Section.*	*Town.*	*Range.*	*No. of acres.*	*Former Owners.*
Johnson Chapman, as commissioner	w half s e	21	15 s	4 w	80	John B Dabnego
	w half s e frac	22	15	4	67.93	
	s w fr	22	15	4	157 48	
	e fr half n e fr	27	15	4	54.89	
Wm J Neal as commissioner.	e half fr	18	15	5	800.68	Berry Hughes
	e half frac	19	15	5		
	n w frac	19	15	5		
	s w	20	15	5	160	
	w half s w	20	15	5	80	
	w half	28	15	5	320	
	s e	28	15	5	160	
	sec	32	15	5	640	
	w half n w	33	15	5	80	
	w half s w	33	15	5	80	
	w half n e	28	15	5	80	
					2760.98	

JOHNSON COUNTY.

By whom conveyed to the Bank.	*Part of Section.*	*No. of sec*	*Town.*	*Range.*	*No. of acres.*	*Former Owner.*
Samuel Adams and Catharine his wife	s e	8	9 n	22 w	160	Samuel Adams
					160	

PULASKI COUNTY.

By whom conveyed to the Bank.	*Part of section.*	*No. of sec*	*Town.*	*Range.*	*No. of acres.*	*Remarks.*
Benj J Borden, (as commissioner.)	e half s e qr	9	1 n	10 w	80	
	s half	10	1	10	320	
Former owner	w half n w qr	14	1	10	40	
Chester Ashley	n e qr ne qr	14	1	10	40	
do do	n half	15	1	10	320	
do do	s w qr	11	1	10	160	
do do	s e qr	33	1	10	160	
David J Caldwin, as commissioner	s e qr	13	1	13	160	
	n half s w qr	13	1	13	80	
Former owner	e – n e	24	1	13	80	
James De Baun	w half n w	17	1	12	80	
do do	e half w hf w hf					
do do	& n e qr s w qr	18	1	12	402.76	
do do	s w qr n w qr	19	1	12	34.28	
do do	n e qr	19	1	15	160	
Same	n w fract qr	13	1	11	123.84	
Former owner	s fract qr	19	2	10	168.99	
John W Johnson	n half frac half	30	2	10	309.45	
do do	w frac half	35	2	10	320	
John W Johnson & Hutt lots No. 10, 11 & 12. block No 1, E Q L						
A H Sevier and Juliet E. his wife, lots No 1, 2, 4. 5 & 6. block No 8						
Benj J Borden, as commissioner	n w	34	1	12	160	
Former owner	s e	33	1	12	160	
Chester Ashley						
do do						
T M S Lewis and wife	frac sec	6	2	13	41	Taken from W Field for debt. Former owner T M S Lewis.
of Kentucky	e half s w	32	3	13	80	
do do	s half s e	31	3	13	80	
do do	w half n e	32	3	13	80	
do do	n w s w	32	3	13	40	
					2379.32	& 8 T lots.

SEVIER COUNTY.

By whom conveyed to the Bank.	*Part of Section.*	*No. of sec*	*Town.*	*Range.*	*No. of acres.*	*Former Owners.*
Henry K Brown and Emelie, his wife	s w	5	13 s	32w	160	H K Brown
	s e	8	13	32	160	
	e half s w	8	13	32	80	
	w half s w	9	13	32	80	
	n e	33	13	32	160	
Wm Wright, attor- in fact.	e half n w	1	13	33	80	J H G Hatfield
	n e	1	13	33	160	
	w fr half n w	6	13	33		
	w fr half s w	6	13	33		
	s e	1	13	33	160	
	e half n e	12	13	33	80	
					1120	

PHILLIPS COUNTY.

By whom conveyed to the Bank.	*Part of Section.*	*No of sec.*	*Town.*	*Range.*	*No. of acres.*	*Former Owners.*
Joseph S McKeil	w half	4	1 s	4 e	313.03	
do	s e	4	1	4	160	
do	s w	3	1	4	160	
do	s w n w	3	1	4	40	
do	s w n w	33	1 n	4	40	
do	n w	21	1	3	160	J L McKeil
W D Dabney	s half	28	3	4 w	320	
do	w half n w	33	3	4	80	
do	w half	33	3	4	320	
do	n residuary of					
do	s e frac qr	33	3	4	15.61	W D Dabney
McCoy W Campbell	s e	32	2	5	160	
do	section	33	2	5	640	
do	n w	34	2	5	160	
do	n w s w	34	2	5	40	M C W C
Wm E Butts	s e	5	1	3	160	W E Butts
Allen P Burriss	n w	27	1 s	4	160	A D Burriss
Peter Edwards	s w	10	2	4	160	P Edwards
Arnold Fisher	n e fract	15	2	4	160	A Fisher
Benj F Odle	s e	1	2	3	160	
do	s w	2	2	3	160	
do	n e	10	2	3	160	
do	n w s w	33	1	5	40	
do	s w fr	34	1	5	160	
do	e fr half n w fr	34	1	5	80	
Wm Bryan	n e	20	1	4	160	Wm Ryan

Conveyed to the Bk. by W B McKeil, all of 640 acres patented to S Phillips under Silas Bailey, except 10 acres at the mouth of Phillips' Bayou, Town 1 north Range 4 west. 630 acres; former owner W B McKeil. Conveyed to the Bk by B F Odle, town lots No 28, 54, 55, 56. 57 and 58. Helena.

Conveyed to the Bk. by Wm McPherson and John A Craig, Lots No. 7 Block No. 2
do 8 do 2
do 11 do 4
do 12 do 4
do 13 do 4
do 16. 17 & 18 do 1

Conveyed to the Bk. by H L Biscoe, lot No. 77, Old town, Helena, (office lot,) H L Biscoe

4744.64 and 15 town lots.

MONROE COUNTY

By whom conveyed to the Bank.	*Part of Section.*	*No. of sec.*	*Town.*	*Range.*	*No. of acres.*	*Former Owner.*
Wm E Butts	north west	23	1 s	1 e	160	Wm E Butts

HEMPSTEAD COUNTY.

By whom conveyed to the Bank.	*Part of Section.*	*No of sec*	*Town.*	*Range.*	*No of acres*	*Former Owner.*
John T Jones and Caroline his wife	s e	29	13	24 w	160	John T Jones
	e half n e	29	13	24	80	
	s w	28	13	24	160	
	w half n w	28	13	24	80	
	w half n e	32	13	24	80	
David J Baldwin as commissioner	w half s e e half s w &	19	10	24	49.87	G N Williams
do	n w n w					
do	n w	21	10	24	160	
do	frac part w	29	10	24	23	
do	half w half					
do	n half s e	30	10	24	48	
do	n e qr					
do	n w s w and					
do	n w n w					
do	s w n e	31	10	24	40	
do	n w	32	10	24	160	
do	w half n w	27	13	26	80	
do	e half n e	28	13	26	80	
do	w half n e				80	
Margaret McDonald administratrix	e half s w	4	11	25	119.94	Samuel McDonald
	s e n w	4	11	25		
do	e half n w	9	11	25	160	
do	e half s w	9	11	25		
do	e half n e	17	11	25	120	
do	n e s e	17	11	25		
John B Sandifer sh'ff Hempstead co.	e half	7	11	22	320	Wm Clarke
	e half s e	25	11	23	80	
do	n e	2	11	21	160	
do	n e s e	2	11	21	40	
do	w half s e	19	11	23	80	
do	e half s e	11	11	25	80	Jeremiah Pate
do	w half s w	12	11	25	80	
do	s w	13	11	25	160	
do	w half n w	13	11	25	80	
do	e half s e	14	11	25	80	
do	e half n e	14	11	25	80	
do	n w n e	14	11	25	40	
John B Holman and Anna G his wife	e half n e & s e & e half s w n e	25	11	2[illegible]	260	John B Holeman
do	s e s e	24	11	27	40	
Simon T Sanders	w half	29	13	24	320	N F Sullivan
do	e qr n e	30	13	24	80	
John D Trimble, master in chancery	e half n w	7	11	24	80	Oakley and Finley
	s e	6	11	24	160	
do	w half n e	7	11	24	80	
do	s w	6	11	24	160	
do	n e n e	7	11	24	40	
do	n w	18	11	24	160	
do	s half	33	10	27	320	

466.44acres and 2 town lots

John B Holman, and Anna G., his wife–lots No. 4, block No. 22, City of Columbus,
do do do do No. 1, do 22, do

CRAWFORD COUNTY.

By whom conveyed to the Bank.	*Part of section.*	*No. of sec*	*Town.*	*Range.*	*No. of acres.*	*Former owners.*
E Cunningham and Susan T his wife	s w fr qr	24	8n	31 w	138.40	Edw Cunningham
John Henry and Sarah A his wife	s e	7	8	30	160	John Henry
	s half n e	7	8	30	80	
	w half n w	17			80	
	n e	18			160	
Eli Bell, sheriff	n e	28	8	31	160	Samuel Campbell
	n w	24	8	31	160	
	w half s e fr	22	8	31	35.45	
Albert Pike	n w fr	6	8	31	136.92	John Drennon
	s w	6	8	31	162 09	
	s e fr	18	9	29	70.36	
	w half s w	9	8	31	80	
	n e s e	8	8	31	40	
	e fr half	13	9	30	230.69	
	a small fr on e side sw fr qr	13	9	30	22	
John Drennon and Picket and Gregg	s half s e qr	12	9	31	80	Pickett & Gregg
	n half n e qr	8	8	31	80	
	part s w fr	25			64.46	
	w half and n w of n e	20	9	31	360	

Lot No. 5, block No. 2, Van Buren, conveyed to the Bank by Albert Pike; formerly owned by John Drennon.

Lot No. 3, block No. 8, Van Buren, conveyed to the Bank by John Drennon and Pickett & Gregg formerly owned by Pickett & Gregg

2300.37 and 2 town lots.

DESHA COUNTY.

By whom conveyed to the Bank.	*Part of Section.*	*No. of Section.*	*Town.*	*Range.*	*No. of acres.*	*Former Owners.*	*Remarks.*
Anthony H Davis	e half e half	33	11 s	1 e	160	A H Davis	Taken at $8pr ac'r
do	fract n	34	11	1	574.92		
Benj P Gaines	s w	32	11	1	160	B P Gaines	
do	n w	32	11	1	160		
do	w half s e	32	11	1	80		
do	e half s e	32	11	1	80		
do	n e	32	11	1	160		
do	s w fract	33	11	1	95		
do	n part fr	33	11	1	116.15		
do	e half n e	31	11	1	80		
do	e half s e	30	11	1	80		
Wilford Garner, sh'ff and commissioner	n e fract	2	11	2	162.12	P Hanger	

1908.19

LAFAYETTE COUNTY.

By whom conveyed to the Bank.	Part of Section.	No. of sec	Town.	Range.	No. of acres.	Former Owner.
Picket & Williamson	e half s w	9	19 s	25 w		Picket & Williams
	e half n west	9	19	25	160	
	w half s e	35	18	26	469.76	
	s w s w fr qr	35	18	26		
	w half n e	35	18	26		
	fraction	34	18	26	524	
	n w w half n e	2	19	26	246.72	
	w half	3	19	26	328.72	
Thomas P Williamson	w half	8	19	25	320	Thomas F Williamson
	w half e half	8	19	25	160	
	s e	10	19	25	160	
	n e n e	15	19	25	40	
					2409.20	

PIKE COUNTY.

By whom conveyed to the Bank.	Part of section.	No. of sec	Town.	Range.	No. of acres.	Former Owner.
A E Thornton	e half s e	33	8s	23 w	80	A E Thornton
James S Ward	s e s w	22	8	23	40	
do	e half s w	23	8	23	80	
do	e half n w	26	8	23	80	
do	e half n e	26	9	23	80	
do	n w n e	26	8	23	40	
do	n w	27	8	23	160	John Wilson
					560	

SALINE COUNTY.

By whom conveyed to the Bank.	Part of section,	No. of sec	Town.	Range	No. of acres.	Former Owners.
A J Hutt	e half n w	21	2	15		Samuel Adams.
P T Crutchfield	n e s e	21	2	15		
William Adams	w half n w	22	2	15		
	s w s w	15	2	15		
	w half s w	22	2	15		
	s e	15	2	16	480	

OUACHITA COUNTY.

By whom conveyed to the Bank.	Part of Section.	No. of sec	Town.	Range.	No. of acres.	Former Owner.
John T Jones, and Caroline his wife	e half	8	15 s	20 w	937.42	John T Jones
	w half	9	15	20		
	n w	2	15	20		
	n e	3	15	20		
	n e	36	15	19	160	
					1097.42	

JEFFERSON COUNTY.

By whom conveyed to the Bank.	*Part of Section*	*No. of sec*	*Town.*	*Range.*	*No. of acres.*	*Former Owners.*
Benj J Borden, as commissioner	section	4	5s	9 w	640	Chseter Ashley
	s frac half	5	5	9	354.06	
	n e half	9	5	9		
	w half n w	8	5	9	80	

DALLAS COUNTY.

By whom conveyed to the Bank.	*Part of Section.*	*No. of sec*	*Town.*	*Range.*	*No. of acres.*	*Former owner.*
Abner E Thornton	w half n w	29	8 s	15 w	80	A E Thornton
	e half s e	30	8	15	80	
	Franklin's place, Nos. unknown,				120	
					280	

POINSETT COUNTY.

By whom conveyed to the Bank.	*Part of section.*	*No. of sec*	*Town.*	*Range.*	*No. of acres.*	*Former Owner.*
Wm String	n w	1	8 n	3 e	170.58	Wm String.

—Continued.

General Account of the Affairs of the Real Estate Bank, [illegible] *Oct. 1852.*

LIABILITIES.		
For amount of 1,530 Bonds originally sold	1,530,000 00	
" six per cent. interest thereon from 1st July, 1841, to 2d Oct., 1852	1,032,750 00	2,562,750 00
" amount rec'd from North American Trust and Banking Co. on the	122,389 77	
Hypothecation of 500 Bonds, 7th Sept., 1850	88,610 23	211,000 00
" amount issues of the Bank, now outstanding circulation		51,980 00
" certificates of deposites		2,584 30
" standing to the credit of depositors to be credited on notes and bills		150,769 63
" balance due to banks and individuals		5,803 25
		2,984,887 18
ASSETS.		
By amount notes and bills due the Bank, bearing interest at 8 per cent., including stock, notes, $620,042 73		1,457,111 35
" Real Estate apc., Little Rock office for lands taken in payment of debts, including plantation and negroes, on the Mississippi river and B. H.	403,738 67 24,256 99	427,995 66
" six bonds of the State, bearing 5 per cent. inst., from 1st Jan., 1843, issued by Gov. Yell for a loan to the State by the Bank	6,000 00	
5 per cent. interest thereon, from 1st Jan., 1843 to Oct. 2d, 1852	2,925 00	
		8,925 00
" balances due from banks and individuals at Little Rock office		16,748 70

G.—Continued.

By negroes taken for debts, to be sold		2,700 00
" land scrip issued by swamp land commissioners		852 90
" scrip issued by the county of Chicot, taken at Columbia office for debt.		4,371 00
" 12 State Bank bonds and the inst. thereon when taken	18,568 00	
" 129 Real Estate Bank bonds and the inst. thereon when taken	196,680 14	
" 218 coupons for Real Estate bonds, taken in payment of debts	6,540 00	
		$221,788 14
" drafts on New Orleans, due and fully due to 10 June, 1853	20,586 42	
" Tennessee money $500, gold and silver $65, New Orleans draft $550	1,115 00	
		$21,701 42
" uncurrent Mississippi money		481 00
" draft on New Orleans, received 6th Dec. from Columbia office		906 19
" amount of Ark. bonds on hand at Columbia.		10,785 51
		$2,174,296 87

H.

Regular annual expense of the Trust Real Estate Bank for pay of the Trustees and Officers under Deed of [illegible]

Names.	[illegible] per annum.
Five Trustees as follows, to-wit:	
Henry L. Biscoe,	[illegible]
Sandford C. Faulkner,	[illegible]50 00
John Drennen,	7[illegible] 00
James H. Walker,	[illegible] 00
Luther Chase,	[illegible]
	$[illegible]
Albert Pike, Esq., Attorney,	2,2[illegible] 00
Thomas W. Newton Cashier and Secretary, and, use of the Bank house for dwelling,	1,[illegible] 00
Simon T. Saunders, Clerk at Washington,	[illegible] 00
John Chapman, Clerk at Columbia,	350 00
Charles W. Adams, Clerk at Helena, for same services (resigned)	1,[illegible] 00
Total	$8,[illegible] 00

L.

Account of the whole Circulation of the Real Estate Bank of the State of Arkansas, showing the amount redeemed, and when cancelled and burnt, the amount on hand, and the total of notes now in circulation, and how much of the circulation has been redeemed by the Trustees since 2d April, 1842, when the deed of assignment was made, viz:

The whole amount of notes ever issued by the Bank and Branches is		$854,650
Of this amount there has been redeemed and cancelled, as follows:		
On [illegible] June, 1841, the Board of Directors burnt of notes redeemed	$ 50,000	
On [illegible] Nov., 1842, the Trustees burnt of notes redeemed	190,220	
On [illegible] April, 1844, the Trustees burnt of notes redeemed	144,510	
On [illegible] Nov., 1850, the Trustees burnt of notes redeemed	400,000	
	$784,730	
On [illegible] November, 1852, notes on hand	17,940	$802,670
Leaving total amount of notes in circulation	———	$51,980
Of the above sum the Trustees have taken up and redeemed since 2d April, 1842, the sum of		456,810
Amount taken up previous to the assignment		345,860
		$802,670

J.

LIST OF TRUSTEES' BONDS OF REAL ESTATE BANK, WITH THE SECURITIES THERETO.

Trustees.	*Securities.*	*Date.*
Sam. C. Roane,	Jordan Embree, Samuel Taylor,	April 8, 1842.
C. A. Harris,	W. E. Woodruff, W. H. Gains,	April 4, 1842.
George Hill,	William Crabtree, James H. Walker,	April 14, 1842.
Enoch J. Smith,	James W. Smith, W. Vaughan, Joseph Stewart,	April 2, 1842.
H. L. Biscoe,	R. P. Rankins, John S. Horner,	April 12, 1842.
W. F. Moore,	Miller Irvan, Richard Cail,	May 19, 1842.
John Preston, Jr.,	James H. McKenzie, Elisha Burke,	October 29, 1842.
John Drennon,	Charles G. Scott, P. H. White	August 5, 1842.
Robert S. Gibson,	J. P. Smith, P. H. White,	April 11, 1842.
Lorenzo N. Clarke,	John H. Strong, John Titsworth,	April 4, 1842.
Sandford C. Faulkner,	W. H. Johnson, James Clarke,	April 15, 1852.
A. H. Davies.	Ben. P. Gaines, William McD Pettit,	April 12, 1852.
Silas Craig,	John A. Craig, Wilford Larner,	April 12, 1852.
Lambert Reardon,	L. J. Reardon, James Pitcher,	March 25, 1843.
Ebenezer Walters,	James Pitcher, James Lawson, Jr.	March 25, 1843.
James H. Walker,	G. K. Cheatham, M. V. Cheatham,	February 24, 1840.
Luther Chase.	E. Cummins, Joseph Fenno.	June 27, 1849.

BOND OF CASAIER AND SECRETARY.

Thomas W. Newton, Cashier and Secretary, A. Pike, C. P. Bertrand, J. Gould, W. E. Woodruff, [illegible]field, George C. Watkins, *Securities.*

Dated 25th April, 1842.

Which report was read and received.

Mr Harley moved that 1,000 copies be printed for the use of the General Assembly.

Mr Clarke moved that 5,000 copies be printed.

Which motion was accepted by Mr. Harley.

The question was then put to the senate, and 5,000 copies ordered to be printed.

No. 137. Mr. Mitchell, on leave, introduced a bill, to be entitled 'an act to grant a charter to George W. Lemoyne, for the purpose of erecting and building a toll bridge across Point Remove Creek, in Conway county, Arkansas.'

Which was read a first time.

On motion of Mr Billingsley, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Billingsley, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature 'an act to incorporate the Batesville and Grand Glaze Rail or Plank Road Company."

J. H. HOBBS,
Clerk of the House.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined 'an act to incorporate the town of Dover, in Pope county;' 'an act to legalize the will and testament of Mary Harris, deceased;' 'an act to provide for a correct publication of the laws;' 'an act to divide the State of Arkansas into two congressional districts;' 'an act to amend, in part, an act to fix the time of the circuit courts in the several judicial circuits in this state;' 'an act to require the internal improvement commissioners to loan out the money belonging to the internal improvement fund;' 'an act to increase the salaries of circuit judges;' 'an act to confirm the sale of section 16, township 8 north, range 32 west;' 'an act to increse the salaries of the supreme court;' a joint resolution, instructing our senators and requesting our representative, to use their influence to procure the establishment of a mail route from Dover, in Pope county, to Yellville, in Marion county; a resolution, instructing the secretary of state to transmit authenticated copies of memorials to our delegation in Congress; a resolution, instructing our senators and requesting our representative in Congress, to use their influence to procure the establishment of a mail route from Little Rock to Clinton, in Van Buren county; a resolution, instructing our senators and requesting our representative in Congress, to procure a one horse mail route from Van Buren to Fayetteville, Arkansas; a resolution, instructing our senators and requesting our representative, to use their influence to procure the establishment of a mail route from Carrollton, Arkansas, to Rockbridge, Missouri; and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman*.

On motion of Mr Underhill, senate bill No. 114, to be entitled 'an act to cancel treasury warrant No. 6914, drawn in favor of the internal improvement fund,' was taken up, and read a third time.

Mr Mitchell moved to lay said bill on the table.

Which motion, upon a division, was lost.

The question being upon the passage of said bill, Mr Mitchell called for the yeas and nays.

Pending which, Mr Berry moved a call of the senate, which call was sustained, and the roll called:

Present—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

The sergeant-at-arms was ordered to bring in the absentees, who retired, and after a short absence, returned with Mr Lemoyne.

Mr Berry then withdrew his motion for a further call of the senate.

Which motion was immediately renewed by Mr Mitchell, which call was sustained.

Present—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President —19.

Mr Maxwell being the only senator absent without leave, the sergeant-at-arms was ordered to procure his attendance, who retired; and, after an absence of one hour, he returned, and reported that Mr Maxwell was absent from the city.

The hour having expired, the question 'shall the bill pass?' was stated from the chair. The yeas and nays having been previously called for by Mr Mitchell, were sustained and ordered:

Yeas.—Messrs Bozeman, Burrow, Clarke, Fletcher, Harley, Harrison, Huey, Izard, Poindexter and Underhill—10.

Nays.—Messrs Berry, Billingsley, Davidson, Ellis, Hawkins, Lemoyne, Mitchell, Rose and Mr President—9.

So the bill was passed.

Mr Harley moved to reconsider the vote taken on house bill No. 114, to be entitled 'an act to cancel treasury warrant No. 6,944, in favor of the internal improvement fund.'

Which motion Mr Underhill moved to lay on the table indefinitely.

Pending which, Mr Mitchell moved a call of the senate.

Which motion was decided by the chair to be out of order.

After debate, Mr Mitchell appealed from the decision of the chair, and called for the yeas and nays, which being sustained, were ordered:

Those senators voting to sustain the decision of the chair, are

Messrs Bozeman, Clarke, Fletcher, Harley, Harrison, Huey, Lemoyne and Underhill—8.

Those voting against the decision of the chair, are

Messrs Berry, Billingsley, Burrow, Davidson, Hawkins, Mitchell, Poindexter, Rose and Mr President—9.

So the senate did not sustain the decision of the chair.

The motion of Mr Mitchell being sustained, the roll was called, when the following senators answered to to their names,

Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

The sergeant-at-arms was ordered to bring in Messrs Ellis and Maxwell—the senators absent without leave.

He retired from the senate; during his absence Mr Ellis returned to his seat.

At the end of one hour the sergeant-at-arms returned, and reported, that he could not procure the attendance of Mr Maxwell, as he was absent from the city.

The question now being on the motion of Mr Underhill, to lay on the table indefinitely.

Mr Harley called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Bozeman, Burrow, Clarke, Fletcher, Harley, Harrison, Huey, Izard, Poindexter and Underhill—10.

Nays.—Messrs Berry, Billingsley, Davidson, Ellis, Hawkins, Lemoyne, Mitchell, Rose and Mr President—9.

So the motion to reconsider, was laid on the table indefinitely.

On motion of Mr Billingsley, the resolution of the senate, directing the attorney general to institute suit against Horace B. Allis and his securities on his bond, as contractors of the penitentiary, was taken up and read a second time.

On further motion of Mr Billingsley, the resolution was referred to the committee on the judiciary.

Mr President introduced the following

PREAMBLE AND RESOLUTION:

Whereas, Since the adjournment of the senate on yesterday, it hath pleased Divine Providence to call to his last account, the Hon. William Conway B., for many years past a distinguished citizen of our state; and,

Whereas, The senate are anxious to testify their appreciation of the character of the deceased, on account of the distinguished service he has performed for the state, as judge of the supreme and circuit courts; and,

Whereas, It is understood, that the deceased departed this life at the residence of his brother, his excellency, governor Conway's, and

Whereas, This event has necessarially and naturally caused the executive mansion to be clothed in the habiliments of mourning and sorrow; and,

Whereas, It is due to the surviving relatives, and friends of the deceased on account of their present and former relations to the people of this state, that their sorrows and griefs should be respected. Therefore,

Be it resolved, That the senate have heard, with deep regret, of the recent decease of the Hon. William Conway B, and as a mark of respect, that the senate will forthwith adjourn, and as a body, will attend the funeral of the Hon. William Conway B, from the residence of his brother, the governor, this afternoon at 3 o'clock.

Resolved further, That as a mark of respect for the deceased as well as for his surviving friends and relatives, that the senate will wear the usual badge of mourning for thirty days.

Resolved further, That these resolutions with the preamble, be spread upon the journal of the senate; and that the secretary thereof be, and he is hereby required to furnish the family and friends of the deceased with a copy hereof.

And be it further resolved, That the house of representatives be respectfully requested to concur in these resolutions.

Which preamble and resolutions were unanimously adopted, and afterwards transmitted to the house of representatives for their concurrence therein; when the senate, in accordance with the resolution adjourned until to-morrow morning 10 o'clock.

THOMAS B. HANLEY, *President*.

Friday, Dec. 31st, 1852.

The senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Huey, Izard, Maxwell, Mitchell, Poindexter, Rose and Mr President—18.

Prayer by the Rev. Andrew Hunter.

On motion of Mr Huey, the reading of the journal of yesterday was dispensed with.

Mr Maxwell was called to the chair.

On motion of Mr Berry, senate bill No. 82, to be entitled "an act revising the common schooll system of the State of Arkansas," was taken up, read a first time, passe, and transmitted to the house of representatives for their assent thereto.

On motion of Mr Clarke, J. M. Tebbetts, Esq., was requested to lend his services to assist the secretary of the senate, on account of the unusual amount of labor devolving upon the secretary at the present time.

No. 138. Mr Lemoyne introduced a bill, to be entitled 'an act to provide for the building of a stone wall around the penitentiary house of this state.'

Which was read a first time.

On motion of Mr Lemoyne, the rules of the senate were suspended, and the bill read a second time.

Mr Harley offered to amend, by adding at the conclusion of the 1st section, the following:

Provided, That the governor and secretary of state, shall contract with the lowest responsible bidder.

Which amendment was read and adopted.

Mr Harley moved to amend by inserting, after the word, 'governor,' wherever it occurs in the bill, the word, 'auditor.'

Mr Clarke moved to amend said amendment, by striking out the word, 'governor,' wherever it occured in the bill, and insert in lieu thereof, 'treasurer.'

Mr Harley objecting thereto, Mr Clarke modified his amendment, by proposing to insert after the word, 'auditor,' wherever it would occur in the bill, the word, 'treasurer.'

Which amendment, to the amendment proposed by Mr Harley, was adopted.

Mr President resumed the chair.

The question now arose on the adoption of the amendment, as amended.

Mr Harley called for the yeas and nays; which call was sustained, and the roll called.

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Huey, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—19.

Nays.—Messrs Izard and Lemoyne—2.

So the amendment was adopted.

Mr Billingsley offered to amend by inserting, after the word, 'convicts,' in the 8th line of the 5th section, 'which bond shall be examined by the judges of the supreme court.'

Mr Huey offered to amend the amendment, by inserting in lieu thereof, 'which bond shall be drawn by the attorney general of the state.'

Which amendment to the amendment was adopted; and, the amendment so amended, was adopted.

Mr Huey moved to amend by striking out of the 4th line of the 5th section, the words, 'governor of this state, and his successors in office,' and insert in lieu thereof, the words, 'State of Arkansas.'

Which amendment was adopted.

Mr Ellis moved to lay the bill on the table until the 4th day of July next.

On which motion, Mr Fletcher called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Burrow, Davidson and Ellis—3.

Nays.—Messrs Berry, Billingsley, Bozeman, Clarke, Fletcher, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

So the senate refused to lay the bill on the table.

On motion of Mr Lemoyne, the rules of the senate were suspended, and the bill read a third time.

The question now arose on the final passage of the bill; upon which Mr Izard called for the yeas and nays; which call was sustained, and the roll called.

Yeas.—Messrs Berry, Billingsley, Bozeman, Clarke, Fletcher, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

Nays.—Messrs Burrow, Davidson and Ellis—3.

So the bill passed.

Mr Billingsley, from the committee on public roads, made the following

REPORT:

Mr President:

The standing committee, to whom was referred senate bill No. 126, in relation to roads and highways, have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

BILLINGSLEY, *Chairman.*

On motion of Mr Poindexter, said bill was taken up.

On further motion of Mr Poindexter, the rules of the senate were dispensed with, the bill read a third time, and passed.

No. 139. Mr Clarke, on leave, introduced a bill, to be entitled 'an act for the relief of the estate of George Handy, deceased.'

Which was read a first time.

On motion of Mr Clarke, the rules of the senate were suspended, said bill read a second and third times, and passed.

No. 140. Mr Fletcher, on leave, introduced a bill, to be entitled 'an act to change the time of holding the circuit court of Pulaski county.'

Which was read a first time.

On further motion of Mr Fletcher, the rules were suspended, said bill read a second and third times, and passed.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on judiciary, to whom was referred a bill, entitled 'an act under the head of escheats,' have considered thereof, and direct me to return the bill to the senate unamended, and advise its rejection.

The bill would tie up a thousand dollars in the treasury for two years, whilst it is not pretended that any adjudicated claims which require payment.

BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on judiciary, to whom was referred a resolution, directing the attorney general to apply to the supreme court for a writ of *quo warranto* or *sieri facias* against the Memphis and St. Francis Plank Road Company, have considered thereof, and direct me to report the same back to the senate without amendment, and advise its passage.

BURROW, *Chairman.*

On motion of Mr Izard, said resolution was taken up and read a second time.

On motion of Mr Underhill, said resolution was laid on the table for the present.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed bill No. 104, to be entitled 'an act to repeal in part the 117th chapter of the Digest of the statutes of Arkansas, under the head of Patrols;' also, bill No. 301, to be entitled 'an act to take the sense of the qualified voters of this state, for and against a call of the State Convention, to modify and reform the present constitution of this state.'

All which are herewith transmitted for the assent of your honorable body; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on judiciary, to whom was referred a resolution, directing the committee to propose and report a bill to regulate the fees of prosecuting attorneys, have performed the duty assigned them, and direct me to report the bill herewith transmitted, No. 141, entitled 'an act to regulate the fees of prosecuting attorneys.'

Your committee direct me to report further, that upon examination, they believe the laws regulating the fees of prosecuting attorneys need no amendment; that they *are* plain and easy to be understood, and that every additional enactment will only make the law more complicated and doubtful.

That some attorneys may claim fees which are not allowed by law, proves only, that the judges and clerks have not done their duty.

Your committee are persuaded, that this has not often happened; and if it should be repeated, the law provides a remedy, by impeachment of the offenders.

Your committee, believe that nothing is wanting in this connection excepting to study, practice and administer the law in its purity; and if they who have this duty to perform, will not do it under existing laws, the probability is, they would still be found in default if a hundred new statutes were enacted.

Your committee, therefore, respectfully recommend the rejection of the bill, which they were directed by the resolution under consideration, to propose and report.

N. B. BURROW, *Chairman.*

Which report was read and received, and the bill accompanying it read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Berry, a committee of conference was appointed, to act in conjunction with such committee as may be appointed on the part of the house of representatives, to confer upon the amendment proposed by the senate to house bill No. 145, to be entitled 'an act to amend chapter 138 of the revised statutes of the State of Arkansas, under the head of revenue of the counties.'

Messrs Berry, Billingsley and Mitchell were appointed such committee on the part of the senate, and the house of representatives informed thereof.

Mr Burrow, from the committee on the judiciary, make the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred house bill No. 192, entitled 'an act for the relief of James T. Halk,' have considered thereof, and direct me to report the bill back to the senate, and advise its rejection.

Your committee believe that the bill would fill all the counties of the state with Mr Halks' agents, and destroy the public revenues to a very considerable extent. The bill makes an unreasonable demand on charity. There can be no reason for allowing Mr Halk to peddle all over the state without a license. It would be better to provide for the support of the poor in some other way, without cutting off the sources of revenue which are intended to support the government. BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred senate bill, No. 134, entitled 'an act to authorize and allow foreign guardians to remove from this state the property of their wards,' have considered thereof, and direct me to report the same back to the senate without amendment, and advise its enactment. The policy proposed to be adopted by this bill is one which governments have steadily resisted, because all property taken from the state under its provisions is so much subtracted from the aggregate wealth of the community, and produces a consequent diminution of the public revenues.

The states of this Union, however, are so nearly connected in every way, and emigrate and return so often, that a state of society exists which requires the enactment of laws reciprocal in their nature, and suited to the peculiar condition of the cluster of governments and family of nations which constitutes the United States. Many of the states have enacted laws similar to the one now under consideration, and your committee believe that the society of nations, the spirit of friendship, and the existing political associations require that Arkansas should follow the example.

BURROW, *Chairman,*

Which report was read and received.

Mr Burrow from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom whom was referred house bill No. 187, entitled 'an act to exempt the property of Pinckney Anderson from taxation,' have investigated the matters connected therewith.

Pinckney Anderson is a soldier, who served gallantly in the United States army in Mexico, and lost an arm whilst engaged in actual service. He is truly disabled, and cannot make money to pay taxes. Your committee believe that Pinckney Anderson has paid as much to the support of his country's government, as in justice he ought to do. Whether, therefore, this statute be regarded as a compliment to a brave and valiant soldier, or as an act of justice to a worthy citizen, your committee believe it should be enacted, and direct me to report accordingly to the senate.

BURROW, *Chairman.*

Which report was read and received.

On motion of Mr Berry, the rules of the senate were dispensed with, and house bill No. 187, accompanying the above report, taken up, read a third time, and upon a division, passed.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred house bill No. 176, entitled 'an act more accurately to define the jurisdiction of justices of the peace,' have considered thereof, and direct me to report the same back to the senate, and advise its rejection.

Your committee believe that the jurisdiction is already as well defined as the bill under consideration; and, in place of making new definitions, your committee would advise all people to study the old definition.

BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a resolution relative to toll bridges, ferries, &c., have considered of the same, and direct me to report, that in the absence of all testimony, they see no reason why the attorney general should be invested with additional inquisitorial powers. Your committee do not doubt but that some of the companies may have acted in bad faith; but believe the attorney is by law invested with sufficient authority in the premises, without additional legislation. Your committee, therefore, direct me to return the resolution back to the senate, and ask to be discharge from further consideration thereof.

BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the commitee on the judiciary, made the following:

REPORT:

Mr President:

The committee on the judiciary, to whom was referred house bill No. 210, entitled 'an act for the relief of the deaf and dumb asylum, at Danville, Ky.,' have considered of the same.

Your committee are of opinion, that the second section, which requires the county of Desha to refund certain taxes to the institution, should be stricken out, and that if the deaf and dumb asylum wishes to have the tax money refunded, application be made to the proper authorities in Desha county.

Your committee advise, also, that the preamble be stricken out, as there can be no reason for publishing among the acts, or even for placing on the journals of the senate, the history of all the transactions of the deaf and dumb asylum, as long as 'the entertainment of the Arabian Nights.'

Should the preamble and section second be striken out, your committee advise the enactment of the bill.

BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee to whom was referred a resolution directing them to inquire into the expediency of amending the laws relative to slander, so as more fully to fix the damages, &c., have made the inquiries which they were directed to make, and find that no amendment is necessary to be made to the laws in this connection, and direct me to return the resolution to the senate, and ask to be discharged from the further consideration thereof.

BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred senate bill No. 111, entitled 'an act to provide for the impeachment of sheriffs, constables, internal improvement commissioners, clerks of the circuit, county and probate courts, and other inferior affairs in this state,' have considered thereof, and find that the proposed act is in conflict with the constitution.

By reference to the 27th section of the 4th article of the constitution, it appears that the sole power of impeachment is given to the house of representatives, and by the 26th section of the same article, the constitution declares who shall be subject to impeachment. This bill gives power to the circuit courts, which is given solely to the house of representatives.

Your committee therefore direct me to return the bill to the senate, and advise its rejection.

BURROW, *Chairman.*

Which report was read and received.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to present for your honor's signature, 'an act to amend an act entitled an act for the relief of the counties of Polk and Perry, approved December 31st, A. D. 1850.'

J. H. HOBBS,
Clerk of the House.

Mr Harrison, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred senate bill No. 99, entitled 'an act to extend to James Lawson the provisions of an act entitled an act for the relief of those persons who had purchased or located portions of the seminary lands,' together with the memorial of said James Lawson, have had the same under consideration, and have directed me to report—

That they are of opinion, that the state having sold the lands mentioned in said bill and memorial to Thomas Thorn, he acquired right by his purchase, which would be violated by the governor making a deed of conveyance thereof to said Lawson, as said bill provides for. They therefore recommend its rejection.

But the committee believe it is competent for the General Assembly to release said Lawson from his obligations and liabilities to the state as the security of said Thorn on account of said purchase; and that it would be just and proper, and without detriment or injury to the state, to do so; and they accordingly present the accompanying bill for his relief, and respectfully recommend its passage.

HARRISON,

One of the Committee.

Which report was read and received.

No. 142. On motion of Mr Underhill, the bill accompanying the above report, to be entitled 'an act for the relief of James Lawson,' was taken up, and read a first time.

On motion of Mr Underhill, the rules of the senate were dispensed with, and the bill read a second time.

Mr Fletcher offered the following amendment:

Be it further enacted, That nothing in this act shall be so construed as to make the said land subject to entry at two dollars per acre, but shall be sold at public sale, to the highest bidder, under the same rules and restrictions as other seminary lands that have not been offered for sale.

Which amendment was read and adopted.

On motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a third time, as amended.

The question being 'shall the bill pass?' Mr Henson called for the yeas and nays, which being sustained, were ordered:

Yeas,—Messrs Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Underhill and Mr President—17.

Nays,—Messrs Berry, Harley, Henson and Rose—4.

So the bill was passed.

On motion of Mr Huey, house bill No. 301, to be entitled 'an act to take the sense of the qualified voters of this state for and against a call of a state convention, to modify and reform the present constitution of this state,' was taken up, and read a first time.

Mr Harley raised a point of order, as to whether the senate could entertain the bill, as one of a similar character had been introduced into the senate by Mr Rose; and after being referred to the committee on elections, and reported back, and upon the recommendation of the committee, rejected by the senate.

Which point of order the chair did not decide, but took the same under advisement until to-morrow.

On motion of Mr Ellis, the amendment of the house of representatives to senate bill No. 110, to be entitled 'an act for the relief of William Peveyhouse, sheriff of Green county,' was taken up, read, and concurred in by the senate.

On motion of Mr Lemoyne, the joint resolution of the senate, proposing to amend the 29th section of the 4th article of the constitution of this state, so as to authorize the General Assembly to create counties with an area of 750 square miles, was taken up, read a third time, and adopted by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Davidson, Ellis, Fletcher, Harrison, Hawkins, Henson, Izard Lemoyne, Mitchell, Poindexter, Rose, Underhill and Mr President—17.

Nays.—Messrs Harley and Maxwell—2.

So the resolution was adopted, and transmitted to the house of representatives for their concurrence.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr. President:

The committee on enrollments, have this day delivered to the governor for his approval, 'an act requiring the internal improvement commissioners to loan the moneys belonging to the internal improvement fund;' also, 'an act to increase the salaries of the circuit judges;' also, 'an act to incorporate the town of Dover, in Pope county;' also, 'an act to provide for a correct publication of the laws;' also, 'an act to legalize the will and testament of Mary Harris, deceased;' also, 'an act to divide the State of Arkansas into two congressional districts;' also, 'an act to confirm the sale of section 16, in township 8 north, of range 32, west;' also, 'an act to increase the salaries of the judges of the supreme court;' also, 'an act to amend in part an act to fix the time of [holding] the circuit courts in the several judicial circuits in the state;' also, 'an act to authorize Thomas J. Evans and William A. Ball, their heirs or assigns, to establish and keep ferry across the Mississippi river at or near Helena.' Also, a resolution, instructing our senators, and requesting our representative in Congress, to procure a mail from Van Buren, *via* Joseph Bryant and Lee C. Blackmore's, to Fayetteville, Arkansas; also, a resolution, instructing our senators, and requesting our representative in Congress, to use their influence to procure the establishment of a mail route from Little Rock to Clinton, in Van Buren county;' also, a resolution, instructing our senators, and requesting our representative in Congress, to use their influence to have a mail route established form Dover, in Pope co. to Yellville, in Marion county, Arkansas; also, a resolution, instructing our senators, and requesting our representative, to establish a mail route from Carrollton to Rockbridge, Ozark county, Mo; also, a resolution, instructing the secretary of state, to transmit authenticated copies of all memorials and resolutions, to our delegation in Congress: I am instructed to report the same.

WM. C. MITCELL, *Chairman.*

On motion of Mr Harrison, house bill No. 289, to be entitled 'an act to incorporate the Male and Female Academy of Monticello,' was taken up and read a first time.

On further motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Harrison, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Harrison, house bill No. 290, to be entitled "an act to incorporate the Washington Temple of Honor No. 3, in Monticello," was taken up and read a first time

On further motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Harrison, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Mitchell moved that the senate adjourn until Monday morning next.

Upon which motion, Mr Lemoyne called for the yeas and nays; which being sustained, were ordered.

Yeas—Messrs Burrow, Clarke, Hawkins, Maxwell, Mitchell, Underhill and Mr President—7.

Nays—Messrs Berry, Billingsley, Bozeman, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Poindexter and Rose—14.

So the motion to adjourn was lost.

Mr Lemoyne moved that the senate adjourn until to-morrow morning 9 o'clock.

On which motion, Mr Huey called for the yeas and nays; which being sustained, were ordered.

Yeas—Messrs Billingsley, Bozeman, Davidson, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Underhill and Mr President—10.

Nays—Messrs Berry, Burrow, Clarke, Ellis, Fletcher, Harley, Harrison, Hawkins, Henson, Huey and Rose—11.

So the motion to adjourn was lost.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have adopted the following resolution;

Resolved, That the two houses of the General Assembly of the State Arkansas do adjonrn *sine die* on the 10th day of January, A. D., 1853, and the senate be requested to concur hererein.

J. H. HOBBS,
Clerk of the House.

Mr Harley moved to take up the veto message of his excellency the governor; Pending which, on motion of Mr Underhill, the senate adjourned.

THOMAS B. HANLEY, *President.*

Saturday, Jan. 1st, 1853.

The Senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Davidson, Ellis, Hanley, Harrison, Hawkins, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—17.

Prayer by A. R. Winfield, chaplain

The journal of Thursday, 30th, and Friday, 31st December, was read and approved.

Message from the governor, by R. H. Johnson, Esq, his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the senate, that on the 31st December, 1852, he approved and signed, 'an act to authorize Thomas J. Evans and William A. Ball, their heirs or assignes to establish and keep ferry across the Mississippi river at or near Helena;' 'an act to amend in part an act to fix the time of the circuit courts in the several judicial circuit courts in this state;' 'an act to increase the salaries of the judges of the supreme court;' 'an act to increase the salaries of the circuit judges;' 'an act to confirm the sale of section 16, in township 8 north, of range 31 west;' 'an act to legalize the will and testament of Mary Harris, deceased;' 'an act to provide for a correct publication of the laws;' 'an act to incorporate the town of Dover, in Pope county;' and, 'an act to require internal improvement commissioners to loan the moneys belonging to the internal improvement fund.' And also, a joint resolution, instructing the secretary of state to transmit authenticated copies of all memoriels and resolutions to the Congress of the United States, to our delegation in Congress. And also, four joint resolutions, instructing our senators, and requesting our representative in Congress, to use their influence, as stated in one resolution, to procure the establishment of a mail route from Carrollton, by the way of Worth Post Office, in Marion county, Arkansas, to Rockbridge, Ozark county, Missouri: and as stated in another resolution, to procure the establishment of a one horse mail route from Van Buren, on the Arkansas river, by the residence of Joseph Bryant and Lee C. Blackmore's, to Fayetteville, Arkansas: and as stated in another resolution, to procure the establishment of a mail route from Little Rock to Clinton, in Van Buren county, by the way of Springfield, in Conway county, Arkansas: and as stated in the other resolution, to procure the establishment of a weekly mail route from Dover, in Pope county, by the way of Borland, in Newton county, to Yellville, in Marion county, to intersect the mail route from Yellville, to Springfield, in Missouri.

R. H. JOHNSON,
Private Secretary.

Message from the house of representatives by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 76, entitled 'an act for the relief of James H. May, sheriff of Montgomery county,' with an amendment thereto; in which your honorable body is respectfully asked to concur.

Also, to senate bill No. 103, to be entitled 'an act for the relief of William A. Neely, of Poinsett county; and to authorize him to sell certain lands as guardian; also, to senate bill No, 118, to be entitled 'an act for the benefit of Bryant Kellett and James Dowell, of Lawrence county,' with an amendment thereto; in which your honorable is asked to concur.'

All of which, are herewith returned.

The house of representatives have passed bill No. 80, to be entitled 'an act for the preservation of certain records in the auditor's office; also, bill No. 291, to be entitled 'an act to establish in the town of Batesville, an institution for the promotion of the fine arts, &c.; also, bill No. 304, to be entitled 'an act to sell section 16, T. 15 south. R. 1 west; also, bill No. 305, to be entitled 'an act repealing in part an act entitled an act to grant corporate powers for certain purposes;' and also, bill No. 307, to be entitled 'an act to amend an act in relation to fines.'

All of which are herewith transmitted for the assent of your honorable body; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The judiciary committee, to whom was referred senate bill No. 52, entitled 'an act to strike from the list of taxable property, horses and neat cattle, and increase the revenue of the state,' with instructions to report on the law questions involved in the bill, have considered of the same, and advise me to report to the senate, that the clause of the bill which proposes to assess and tax all inferior lands at not less than six dollars per acre, is clearly unconstitutional.

Section 2d, of article 7th, of the constitution of Arkansas, requires that 'all property subject to taxation shall be taxed according to its value—that value to be ascertained in such manner as the General Assembly shall direct—making the same equal and uniform throughout the state. No one species of property, from which a tax may be collected, shall be taxed higher than another species of property of equal value.'

The first clause of this section of the constitution declares that the property shall be taxed according to its value. The second clause gives the legislature power to determine the manner of ascertaining the value of property subject to taxation, and this power can only be used to determine the true value. It has reference to the mode and manner of ascertaining the true value of property, in assessing the same for taxation; it relates to the modus operandi of fixing the true value, and confers no power to fix a false or fictitious value on lands, or other property; and if it should be admitted that it did confer power to fix a fictitious value on property, then the last clause of the same section explicitly declares, 'that no one species of property, from which a tax is collected, shall be taxed higher than another species of property of equal value.' If, therefore, a fictitious value be fixed upon lands, it must also be fixed upon slaves and other property subject to taxation, in order to keep within the meaning of the last clause of the section of the constitution above recited. Your committee are of opinion, that the minimum price proposed to be fixed on lands by the bill under consideration, is unconstitutional, and they do not doubt but that the present minimum price of three dollars per acre, fixed by statute, is equally as unconstitutional and void, as that of six dollars proposed in this bill would be, if enacted.

The legislature possesses power under the constitution, only to make laws preparatory to ascertaining the true value of property, and then to tax all property subject to taxation equally, according to the value thereof. The power conferred on the legislature, is a power to prepare and provide the means of inquiring and ascertaining the true value of property; and this inquiry must be made by executive officers of the law, in the country, and not by the legislature in session. Any statute of the legislature, therefore, declaring the value of property beforehand, and ordering the same to be assessed and taxed accordingly, must necessarily be unconstitutional, null and void. BURROW, *Chairman.*

Which report was read and received.

Mr Harley was called to the chair.

Mr Burrow, from the committee on the judiciary, made the following

ROPORT:

Mr President:

The committee on the judiciary, to whom was referred senate bill No. 21, entitled 'an act to facilitate the collection of taxes on lands in this state,' have had the same under consideration, and direct me to return the bill to the senate, with the following amendment proposed as an addition to the first section of the bill, viz:

And the auditor shall, as soon as practicable, make, or cause to be made, a correct map of each county in the state, upon a scale of not less than one inch to the mile, and shall thereon mark the range, township and section lines, and also show by distinct marks of reference, all lands which have been entered, and are now subject to taxation; as also by separate marks of reference, all saline lands, seminary lands, internal improvement lands, and swamp and overflowed lands, and lands wet and unfit for cultivation, ceded to the state by the federal government; and such map so made, shall be forward to the clerks of the respective counties, to be by them kept, as the property of the counties, for reference and inspection, and all lands entered from the federal government, the abstract of which is forwarded by the auditor to the clerk, shall be by the clerk noted by the proper marks of reference, on the map of his county.

The committee recommend the adoption of the proposed amendment, and the enactment of the bill.

The bill, if passed, will place full and complete information in the hands of the county officers, relative to all lands subject to taxation, and make the sheriff or tax gatherer, or his securities, accountable for all taxes on lands subject to taxation.

It is estimated by persons possessed of great information in the premises, that the increased revenue insured by the passage of this act will, in one year, abundantly repay all expenses incurred by making the maps and books contemplated by the proposed statute, and will add annually thousands to the public revenue.

BURROW, *Chairman.*

Which report was read and received.

On motion of Mr Burrow, the rules of the senate were dispensed with, and the bill and report taken up.

On further motion of Mr Burrow, the amendment reported by the committee was read and adopted.

Mr Lemoyne moved to fill the blank in the fifth section of the bill, with the words, 'one thousand dollars.'

Mr Harrison moved to fill it with 'two thousand dollars.'

Before the question was taken, Mr Harrison, at the suggestion of senators, withdrew his motion.

When Mr Underhill moved to fill the blank with the words, 'five thousand dollars.'

Which motion prevailed, and the blank in the 5th section filled with 'five thousand dollars.'

On motion of Mr Berry, the bill was ordered to be engrossed for a third reading on Monday next.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on judiciary, to whom was referred senate bill No. 51, have considered thereof, and direct me to report the same back to the senate, and advise its rejection.

The bill proposes to enact laws which have been in execution ever since the State of Arkansas was admited into the family of states, or had existance.

Your committee believe that all the new matter introduced into the bill, relative to the duties of clerks is wrong in the abstract and useless in all respects.

BURROW, *Chairman.*

Which report was read and received.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have examined 'an act to defray the expenses of the inauguration of the Governor;' 'an act for the relief of the President, Directors and Stockholders of the Memphis, Ouachita and Red river Railroad Company;' 'an act to appreciate the value of the swamp and overflowed lands;' 'an act to legalize the marriage of Henry Dinkins with Martha Wynne, late of Mississippi county, in this state;' 'an act to grant a charter to Messrs Hanger and Howell for the purpose of building a toll bridge across Mill Creek, in Pope county, Arkansas.' Also, a joint resolution, instructing our senators, and requesting our representatives, to use their best efforts to procure the transportation of the mail in two horse coaches, once a week, from Ozark, in Franklin county, *via* St. Paul and Huntsville, in Madison county; thence *via* William Easley's and Bentonville, in Benton county, Arkansas; and from thence to Marysville: all on the established mail route; also, a joint resolution, instructing our delegation in Congress, to procure the passage of an act by Congress, appropriating ten sections of land, the proceeds of which are to be applied to a geological survey of the State of Arkansas, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on judiciary, to whom was directed a resolution, requesting the committee to enquire and report, whether the administration laws need amendment, have performed the duty assigned them, and direct me to report, that the entire code of laws in this connection, is defective and requires revision.

Your commmittee advise the appointment of a select committee, to be charged with the task of revision; and that said committee consist of senators who will hold over; and that they be directed to report to the next session of the General Assembly.

BURROW, *Chairman.*

Which report was read and received.

On motion of Mr Burrow, the report was taken up, read, and upon a division, adopted.

No. 143. Mr Burrow, from committee on judiciary, reported a bill, to be entitled 'an act to require two thirds of the all justices the peace to sit in the county courts, when the county taxes are levied.'

Which was read a first time, and ordered to a second reading on Monday next.

Mr Huey introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our senators in Congress be instructed, and our representative be requested, to use their influence, to have the following territory attached to the Champagnolle land district, to-wit: Commencing at the point where the present line of said land district crosses the Ouachita river, and running up said river to the place where the township line between eight (8) and nine (9) south, crosses said river; thence east on said line, the northeast corner of Bradley county; thence south on said line of Bradley, to the present line of said land district; and that the secretary of state be instructed to furnish our congressional delegation with a copy of this resolution.

Which was read a first time.

On motion of Mr Harley, the rules of the senate were dispensed with, the resolution taken up, read a second time, and adopted.

It was then transmitted to the house of representatives for their concurrence.

Mr Berry, from the committee on education, made the following

REPORT:

Mr President:

The committee on education, to whom was referred senate bill No. 123, to be entitled 'an act to repeal in part an act approved January 11th, 1851,' under the head of Common Schools, have had the same under consideration, and have instructed me to return the same, and recommend its passage.

BERRY,

One of the Committee.

Which report was read and received.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill accompanying the above report, was taken up, read a third time, and passed.

It was then transmitted to the house of representatives for their assent.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, have had under consideration senate bill No. 44, to be entitled 'an act to repeal the act of December 30th, 1848,' have instructed me to report the same back, and recommend its rejection.

UNDERHILL, *Chairman.*

Which report was read and received.

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements have had under consideration senate bill No. 48, to be entitled 'an act to encourage and assist in building certain railroads in the State of Arkansas,' and have instructed me to report the same back with the following amendments, and advise its passage.

Strike out all of the 3d section after the word, 'say,' in the 10th line, and insert in lieu thereof, 'all lands donated by any act of Congress, as contemplated by this section, shall be equally divided among all the roads in process of construction, according to their respective lengths.

Add to section 8, the following proviso:

'*Provided*, That the right and title of the swamp and overflowed lands, designed to be ceded to the several railroad companies contemplated in this act shall not pass or rest in said companies, until the state is fully secured against loss, which security shall be approved by the governor of the state.

UNDERHILL, *Chairman.*

Which report was read and received.

On motion of Underhill, the rules of the senate were dispensed with, and the bill and report were taken up.

On further motion Mr Underhill, the amendments were severally read and adopted.

On further motion of Mr Underhill, the bill was ordered to be engrossed as amended, for a third reading on Monday next.

On motion of Mr Huey, the amendment of the house of representatives to senate bill No. 83, to be entitled 'an act to appropriate two hundred dollars to furnish the executive chamber,' was taken up, read and concurred in by the senate.

Mr Harrison, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, to whom was referred senate bill No. 124, entitled 'an act to incorporate the Augusta and Memphis Railroad Company,' have had the same under consideration, and instructed me to report the same back to the senate with the following amendments: Strike out section 17, and to recommend its passage, so amended.

HARRISON, *Chairman.*

On motion of Mr. Underhill, the rules of the senate were dispensed with, and the bill and report taken up.

On further motion of Mr Underhill, the amendment was read and adopted.

And on further motion of Mr Underhill, the rules of the senate were again dispensed with, the bill read a third time as amended, and passed.

Mr Clarke, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred the resolution to enquire into the circumstances under which the Hon. Franklin De-Shongh drew pay and mileage from the state treasury, as a member of the senate, on the 24th December, 1852, have had the same under consideration, and have directed me to make the following report:

On the 2d November, 1852, Mr DeShongh drew mileage as senator from the 10th District, for 200 miles, which your committee have ascertained is the full amount of mileage, to which Mr DeShongh was entitled.

Upon examination of persons and papers, additional facts have been made to appear.

On the night of the 24th of December, 1852, Mr DeShongh made out and sent his account for pay and mileage due him to that date, to the Hon. Thomas B. Hanley, the president of the senate, for his certificate to the same.

The said account contained an item for 500 miles of mileage, in addition to the mileage which he had already drawn, amounting to the sum of $75 00. Mr Hanley drew his pen over the charge, and turned the figuers into cyphers, (00) and directed the messenger to inform Mr DeShongh that he could not certify to the item for mileage.

Upon further examination of the subject, we find that the cyphers (00) were raised again to 500 miles, and to $75 00; which account Mr DeShongh presented to the auditor, and upon it received a warrant for the amount, and upon which he further received from the treasurer the sum of $75 00.

Your committee examined the certified account and saw plainly where the figures were altered, as stated by the witnesses, and they have arrived at the unanimous conclusion, that the conduct of Mr DeShongh, has been unbecoming that of a gentleman and unworthy of a member of this General Assembly, and have directed me to report the following resolution, and recommend its adoption.

CLARKE, *Chairman.*

Resolved by the Senate of the State of Arkansas, That Franklin DeShongh be, and he is hereby, expelled from this body, as a member thereof.

Which report was read and received.

On motion of Mr Fletcher, the report and resolution were laid on the table until to-morrow.

No. 144. Mr President, on leave, introduced a bill, to be entitled 'an act supplementary to an act entitled an act to divide the State of Arkansas into two congressional districts.'

Which was read a first time.

On motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr President, the rules of the senate were again dispensed with, and the bill read a third time.

Mr Burrow raised a point of order; which, after debate, was overruled by the chair.

Mr Burrow then moved to lay the bill on the table until Monday next.

Which motion was lost.

The bill was then passed, and transmitted to the house of representatives for their assent.

No. 145. Mr Huey, on leave, introduced a bill, to be entitled 'an act to repeal an act to amend the law, under the head of Limitation.'

Which was read a first time.

On motion of Mr Harley, the rules of the senate were dispensed with, the bill read a second time.

And on further motion of Mr Harley, the bill was referred to the committee on the judiciary.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed house bill No. 309, to be entitled 'an act to amend an act to incorporate the Memphis and St. Francis Plank Road Company.'

Which is herewith transmitted for the assent of your honorable body; which is respectfully asked.

J. H. HOBBS.
Clerk of the House.

Mr President:

I am instructed to present for your honor's signature, 'an act to amend the revenue laws of this state.'

J. H. HOBBS,
Clerk of the House.

No. 146. Mr Clarke, on leave, introduced a bill, to be entitled 'an act to provide for the correct assessment of property for taxation.'

Which was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Fletcher, the word, 'two,' in the 1st section, was stricken out, and the word, 'three,' inserted in lieu thereof.

On motion of Mr Billingsley, the rules of the senate were again dispensed with, the bill as amended, read a third time, and passed.

The bill was then transmitted to the house of representatives for their assent.

On motion of Mr Berry, the amendment of the house of representatives to senate bill No. 76, to be entitled 'an act for the relief of James H. May, sheriff of Montgomery county,' was taken up, read, and concurred in by the senate.

On motion of Mr Harrison, house bill No. 274, to be entitled 'an act for the relief of John S. Winston, sheriff and collector of revenue of Polk county,' was taken up, and read a first time.

On motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Harrison, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Underhill, house bill No. 309, to be entitled 'an act to amend an act to incorporate the Memphis and St. Francis Plank Road Company,' was taken up, and read a first time.

On further motion of Mr Underhill, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Underhill, the bill was amended, by striking out the words 'charcoal and gravel,' in the first section.

Mr Underhill offered the following amendment:

Provided, That nothing in this act shall be so construed, as to allow said company to collect tolls on any portion of said road, (as well that part already constructed as that to be hereafter constructed,) until the said company shall have obtained the certificate of the commissioner herein provided for, and a copy of said certificate shall be put up at each gate; and, *provided further*, That nothing herein contained shall authorize said company to reduce the width of the present military road, leading from Memphis to Little Rock.

Which amendment was read and adopted.

On further motion of Mr Underhill, the rules of the senate were again dispensed with, the bill, as amended, read a third time, and passed.

It was then returned to the house of representatives.

Mr Huey introduced the following

RESOLUTION:

Resolved, That a committee be appointed to wait on George G. Sherman, M. D., who is now in this city, and request him to address us on the subject of geology and mineralogy, at such time as may suit his convenience, and that he be allowed the use of the senate chamber for that purpose.

Which was read and adopted.

The chair appointed Messrs Huey, Bozeman and Harrison such select committee.

On motion of Mr Fletcher, the rules of the senate were dispensed ed with, and house bill No. 299, to be entitled 'an act to authorize Benjamin F. Owen, guardian of Mary Louisa Owen, to sell certain real estate in the county of Saline,' taken up, and read a first time.

On motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Fletcher, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Berry moved to take up the joint resolution of the house of representatives, fixing Monday, the 10th Jannary, inst., for the adjournment, *sine die*, of the present General Assembly.

Which motion was lost.

Mr Harrison, from a select committee, made the following

REPORT:

Mr President:

The special committee, to whom was referred house bill No. 228, entitled 'an act compelling the internal improvement commissioner of Ashley county to loan out the fund he holds as such commissioner,' having considered the same, beg leave to report—

That the present General Assembly having passed an act requiring internal improvement commissioners to loan the internal improvement funds, embracing in its general provisions the case provided for in the bill before the committee, and which has received the approval of his excellency the governor, the bill is entirely unnecessary; they therefore return it to the senate, with the recommendation that it be rejected.

HARRISON, *Chairman*.

Which report was read and received.

On motion of Mr Henson, the rules of the senate were dispensed with, and house bill No. 203, to be entitled 'an act for the relief of Green B. Hughes, of Saline county,' was taken up, and read a first time.

On motion of Mr Henson, the rules of the senate were dispensed with, and the bill read a second time.

And, on motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Burrow from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill, to be entitled 'an act to make Mildred Chambers, wife of Thos. G. Chambers, of Calhoun county, a *feme sole*,' have had the same under consideration, and direct me to report a substitute for the original bill, and recommend its enactment. The substitute is herewith transmitted.

BURROW, *Chairman*.

No. 147. A bill, to be entitled 'an act to make Mildred Chambers, wife of Thos. G. Chambers, of Calhoun county, a *feme sole*,' *Be it enacted by the General Assembly of the State of Arkansas,* That Mildred Chamber, wife of Thomas G. Chambers, of Calhoun county, be, and she is hereby made, constituted and declared, a *feme sole*, with all the powers and privileges incident to *feme soles*, at common law.

Which report and substitute were read, and received.

On motion of Mr Huey, the rules of the senate were dispensed with, and the substitute taken up, read and adopted, in lieu of the original bill.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a third time.

After the objects of the bill were fully explained to the senate by Mr Huey, the question 'shall the bill pass?' was stated from the chair.

Mr Maxwell called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Bozeman, Burrow, Ellis, Fletcher, Harley, Huey, Izard, Lemoyne and Underhill—9.

Nays.—Messrs Berry, Billingsley, Clarke, Davidson, Harrison, Henson, Maxwell, Mitchell, Poindexter, Rose and Mr President—11.

So the bill was lost.

On motion of Mr Bozeman, house bill No. 223, to be entitled 'an act to authorize William Anderson to convey certain real estate,' was taken up, read a third time, and passed.

On motion of Mr Berry, house bill No. 197, to be entitled 'an act to authorize the counties of Carroll, Prairie and Conway to procure field notes and maps of the lands in each county,' was taken up, and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Burrow, house bill No. 168, to be entitled 'an act to blend all the school funds of Arkansas county in support of common schools,' was taken up, and read a third time.

After debate, the bill was, on motion of Mr President, laid on the table for the time being.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house have passed house bill No. 142, entitled 'an act granting a charter for a toll bridge across Bayou de Roche to Jas. E. M. Barkman;' which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Harrison, house bill No. 304, to be entitled 'an act providing for the sale of fractional section 16, in township 15 south, of range 1 east, in the county of Chicot,' was taken up, and read a first time.

On motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Harrison, the rules of the senate were again dispensed with, the bill read a third time, and passed.

No. 148. Mr President, on leave, introduced a bill, to be entitled 'an act to extend the act putting the state bank in liquidation.'

Which was read a first time.

On motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr President, the bill was referred to the committee on banks.

On motion of Mr Huey, house bill No. 7, to be entitled 'an act for the relief of Minor Wallace,' was taken up, and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

Mr Huey moved to dispense with the rules the senate, and read the bill a third time.

Mr Underhill objected.

After debate, the bill was, on motion of Mr Underhill, referred to the committee on the judiciary.

Mr Poindexter moved that the senate adjourn; but, at the request of Mr Burrow, he withdrew his motion.

On motion of Mr Burrow, the joint resolutions of the senate, introduced on the 3d December last, instructing our senators and requesting our representative in Congress, to vote for no matter in Congress, which is in opposition to the principles embraced in the democratic platform, put forward by the democratic national convention, which nominated Franklin Pierce for the presidency, were taken up, and read a second time.

And, on further motion of Mr Burrow, the resolutions were made the special order of the day for Wednesday next.

On motion of Mr President, the senate took a recess, until half past two o'clock, P. M.

At half past 2 o'clock, P. M., the senate convened.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Davidson, Ellis, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—18.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bill have this day delivered to the governor, for his approval, 'an act to defray the expenses of the inauguration of the governor;' 'an act for the relief of the president, directors and stockholders of the Mississippi, Ouachita and Red River Railroad Company;' 'an act to appreciate the value of the swamp and overflowed lands;' 'an act to legitimatize the marriage of Henry Dinkins with Martha Wynn, late of Mississippi county, in this state;' 'an act to grant a charter to Messrs Hanger and Howell, for the purpose of building a toll bridge across Mill Creek, in Pope county, Arkansas;' also, a joint resolution, instructing our senators and requesting our representative in Congress, to use their efforts to procure the transportation of the mail in two horse coaches, once a week, from Ozark, in Franklin county, via St. Paul and Huntsville, in Madison county; thence, *via* Wm Easley's and Bentonville, to Marysville; also, a joint resolution, instructing our delegation in Congress to procure the passage of an act by Congress, appropriating ten sections of land, the proceeds of which are to be appropriated to a geological survey of the State of Arkansas; and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

Mr Harrison was called to the chair.

On motion of Mr Underhill, senate bill No. 94, to be entitled 'an act to authorize Henry L. Sphar to hawk and peddle without paying tax,' was taken up, and read a second time.

Mr Davidson moved to lay the bill on the table until the 4th of July next.

On which motion, Mr Maxwell called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Berry, Davidson, Henson, Maxwell, Mitchell, Rose and Mr President—7.

Nays.—Messrs Bozeman, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard, Lemoyne, Poindexter and Underhill—11.

So the motion to lay on the table was lost.

Mr Izard moved to amend the bill, by striking out the words, 'in any county of the state,' and inserting, in lieu thereof, 'in the counties of Crittenden and Mississippi.'

Which motion, upon a division, was lost.

On further motion of Mr Underhill, the rules of the senate were again dispensed with, and the bill read a third time.

The question 'shall the bill pass?' was stated from the chair.

Mr Maxwell called for the yeas and nays.

After debate, Mr Maxwell withdrew his call for the yeas and nays, when the bill passed.

Mr Harley was called to the chair.

Mr Huey, from a select committee, made the following

REPORT:

Mr President:

The select committee appointed to wait upon Dr. Geo. C. Sherman, have performed the duty assigned them, and have the pleasure to state, that he has kindly consented to address you at 8 1-2 o'clock this evening, in the senate chamber.

HUEY, *Chairman.*

On motion of Mr Izard, house bill No. 192, to be entitled 'an act for the relief of James T. Halk,' was taken up, and read a third time.

Mr Underhill offered the following amendment:

And that John S. Holloway, of Crittenden county, have all the privileges granted by this act to Jas. T. Halk, and have the privilege of hawking and peddling also in Crittenden county.

Which amendment was read.

Mr Lemoyne moved to lay the amendment on the table.

Which motion was lost.

The amendment was then, upon a division, adopted.

Mr Berry moved to amend the 1st section of the bill, by inserting before the word, 'Halk,' the word, 'Toma.'

Which amendment the chair decided to be out of order.

Mr Billingsley moved to lay the bill, as amended, on the table until the 4th day of July next.

Which motion was lost.

Mr Borrow offered the following amendment:

That every man who has a wife and children, and has but one leg be entitled to the benefits of this bill, in as full and ample manner as James T. Halk.

Which was read; and on further debate, adopted.

Mr Huey offered the following amendment:

And Isaac Campbell, of Calhoun county, be entitled to the same privileges.

Which was read.

Mr Izard moved to lay the bill and amendments on the table until the 4th day of July next.

On which motion, Mr Lemoyne called for the yeas and nays.

Before the question was taken, Mr Izard, at the request of senators, withdrew his motion to lay on the table.

On motion of Mr Underhill, the amendment offered by Mr Huey was laid on the table.

Mr Lemoyne moved to lay the bill on the table.

Which motion, the chair decided to be out of order, as the same motion had been determined by the senate.

Mr President offered the following amendment:

And that the provisions of this act be, and they are hereby, declared to exted to Thomas Standifer, of Phillips county; *Provided,* The said Standifer shall be confined in the privileges hereby conferred on him, to said county of Phillips.

Which amendment was read.

Mr Mitchell moved to lay the bill and amendments on the table until the 22d day of February next; and called for the yeas and nays; which being sustained, were ordered.

Yeas—Messrs Berry, Billingsley, Bozeman, Harrison, Hawkins, Henson, Huey, Izard, Maxwell and Mitchell—10.

Nays—Messrs Burrow, Davidson, Ellis, Fletcher, Harley, Poindexter, Rose and Underhill—8.

So the motion to lay the bill on the table until the 22d February, 1853, prevailed.

Mr Burrow introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the following amendment be proposed to the constitution of the state, viz:

That on the 1st Monday in August, eighteen hundred and fifty-six, and every two years thereafter, an election shall be opened and held for the election of a governor, and the governor so elected shall hold his office for two years, and until his successor is elected and qualified.

Which was read.

The following senators voted in favor of passing the resolution to a second reading:

Messrs Berry, Burrow, Fletcher, Huey, Poindexter and Underhill—6.

The following senators voted against passing the resolution to a second reading:

Messrs Billingsley, Bozeman, Davidson, Ellis, Harley, Harrison, Hawkins, Henson, Izard, Lemoyne, Maxwell, Mitchell, Rose and Mr President—14.

So the resolution was lost.

On motion of Mr Fletcher, house bill No. 37, to be entitled an act to change the time of holding the probate court in Prairie county, was taken up and read a first time.

On further motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Fletcher, the rules of the senate were again dispensed with, the bill read a third time and passed.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a joint resolution directing the attorney general to institute suit against H. B. Allis, on his bond as contractor to build a safe and durable wall around the penitentiary, have considered the same, and instruct me to report, that they have no papers, evidence or data, upon which to found any opinion as to the propriety of instituting the suit in question, as they have not been furnished with a copy of the bond, or referred to any witnesses in the premises.

The committee direct me to return the resolution to the senate, and asked to be discharged from the further consideration thereof.

BURROW, *Chairman.*

Which report was read and and received.

On motion of Mr Harrison, the vote taken to day on the final passage of senate bill No. 147, to be entitled 'an act to make Mildred Chambers, wife of Thomas G. Chambers, a *feme sole*,' was reconsidered.

Mr Davidson moved that the bill lie on the table until Monday next.

Which motion was lost.

The question being on the passage of the bill, Mr Mitchell called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Bozeman, Burrow, Ellis, Fletcher, Harley, Hawkins, Henson, Huey, Izard, Lemoyne and Underhill—11.

Nays.—Messrs Berry, Billingsley, Clarke, Davidson, Harrison, Maxwell, Mitchell, Poindexter, Rose and Mr President—10.

So the bill was passed.

On motion of Mr Burrow, house bill No. 43, to be entitled 'an act conferring upon Jane E. Sugg, the privilege of a *feme sole*,' was taken up and read a first time.

On motion of Mr Burrow, the rules of the senate were dispensed with, and the bill read a second time.

Mr President offered the following amendment:

Be it further enacted, That the provisions of this act shall be so construed as to extend to, and include all the married women in this state who may desire to avail themselves of the benefits hereof, as provided for the said Jane E. Sugg.

Which amendment was read.

Mr Burrow moved to lay the amendment on the table.

On which motion, Mr Clarke called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Bozeman, Burrow, Ellis, Fletcher, Harley, Harrison, Hawkins, Huey, Izard and Lemoyne—10.

Nays.—Berry, Billingsley, Clarke, Davidson, Henson, Maxwell, Mitchell, Poindexter, Rose, Underhill and Mr President—11.

So the senate refused to lay the amendment on the table.

Mr President moved the previous question on the adoption of the amendment.

Pending, which, Mr Clarke moved to lay the bill and amendments on the table, and called for the yeas and nays; which being sustained were ordered.

Yeas.—Messrs Berry, Billingsley, Clarke, Davidson, Harrison, Henson, Maxwell, Mitchell, Poindexter, Rose and Mr President—11.

Nays.—Messrs Bozeman, Burrow, Ellis, Fletcher, Harley, Hawkins, Huey, Izard, Lemoyne and Underhill—10.

So the bill and amendment were laid on the table.

Mr Huey moved to reconsider the vote taken on the passage of senate bill No. 94, to be entitled 'an act to authorize Henry L. Sphar to hawk and peddle without paying tax.'

Mr Lemoyne moved to take a recess until half past [illegible] o'clock.

Which motion was lost.

On motion of Mr Mitchell, the senate adjourned until 9 o'clock Monday morning.

THOMAS B. HANLEY, *President.*

Monday, Jan. 3d 1853.

The senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Clarke, Davidson, Ellis, Harley, Harrison, Hawkins, Henson, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Rose and Mr President—18.

Prayer by Rev. A. R. Winfield, chaplain.

The journal of Saturday the 1st inst. was read and approved.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have examined 'an act to amend section 128, chapter 5, of the Digest of the statutes of Arkansas;' also, 'an act to change the name of Mary Boyd to the name of Mary Olivia Hansbury;' also, 'an act to constitute Louisa Americus Taylor an heir and legal representative of of James G. Glennin;' and instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Clarke, the report of the select committee, appointed under a resolution of the senate to enquire into the circumstances under which Mr DeShongh drew pay and mileage, as a member of the senate, on the 24th day of December, 1852, was taken up.

The resolution accompanying the report, expelling Mr DeShongh from the senate, was read, and unanimousley adopted, on the motion of Mr Billingsley.

Mr Clarke from the committee on public printing, made the fol-

REPORT:

Mr. President:

The committee on public printing have instructed me to report, that Robert L. Pegues has entered into bond with sufficient security according to contract, for printing the acts and journals of the present session of the General Assembly; and the bond is herewith transmitted to the senate.

CLARKE, *Chairman.*

Which report was read and adopted.

On motion of Mr Clarke, the report was taken up, read and adopted.

On further motion of Mr Clarke, the secretary was directed to transmit the bond of Robert L. Pegues, and the power of attorney of H. K. Hardy and J. E. M. Barkman, to James L Witherspoon, of the house of representatives, for their action thereon.

Mr Izard was called to the chair.

No. 149. Mr Rose, on leave, introduced a bill, to be entitled 'an act to authorize the several counties in the state of Arkansas, to subscribe to stock in railroad and other companies.'

Which was read a first time.

On motion of Mr Rose, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Billingsley, the bill was referred to the committee on internal improvements.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have appointed a committee, consisting of Messrs Johnson, Johnson, Blackmore and Black, to confer with a similar committee, appointed on the part of the senate, in regard to certain amendments, proposed by the senate to house bill No. 145, to be entitled 'an act to amend chapter 138 of the revised statutes of the State of Arkansas, under the head of the Revenue of the counties.' Also, a committee, consisting of Messrs Coldwell, Berens and Pettus, to confer with the committee appointed on the part of the senate, in regard to the amendments, offered by the senate to house bill No. 188, to be entitled 'an act to facilitate the convenience of assessing and collecting taxes.'

The house of representatives have assented to senate bill No. 124, to be entitled 'an act to grant to William Carter, *et al.*, the privilege of building and keeping mill dams across Eleven Points river, in Randolph county, State of Arkansas;' also, to senate bill No. 137, to be entitled 'an act to grant a charter to George W. Lemoyne for the purpose of erecting and building a toll bridge across Point Remove Creek, in Conway county, Arkansas,' with an amendment thereto; in which your honorable body is respectfully asked to concur.

Also, to senate bill No. 79, to be entitled 'an act to sell certain lands;' also, to senate bill 109, to be entitled 'an act to attach a portion of Conway county to the county of Pope;' also, to senate bill ——, to be entitled 'an act supplemental to an act entitled an act to divide the State of Arkansas into two congressional districts,' with an amendment thereto; in which your honorable body is respectfully asked to concur.

The house refuse to assent to senate bill No. 133, to be entitled 'an act to change of Lydia Ann Caroline Augusta Johnson, to Lydia Ann Caroline Augusta Jackson.'

All of which are herewith returned.

The house have concurred in the amedments of the senate to house bill No. 309, to be entitled 'an act to amend an act to incorporate the Memphis and St. Francis Plank Road Company.'

The House of representatives have passed bill No. 275, to be entitled 'an act to authorize the sale of the 16th section for less than $2.00 per acre, in certain cases:' also, bill No. 202, to be entitled 'an act directing the treasurer of the state to apportion the seminary fund, now distributed to the county of Crawford, between the counties of Crawford and Sebastian.'

The house of representatives have adopted a joint resolution, supplementary to and amendatory of a resolution, passed by this General Assembly, instructing our senators in Congress, and requesting our representative, to use all just means to procure the passage of a law by Congress, giving certain lands to the State of Arkansas, to aid in the construction of a railroad from Ft. Smith, Arkansas, to Springfield, in the State of Missouri.

Also, a joint resolution, instructing our delegation in Congress, to use their influence to procure the passage of a law by Congress, donating to Andrew B. Baker and each of three sons, all of the same age and birth, one quarter section of public land, each to be located upon any of the public lands, remaing unsold in the State of Arkansas at the time of the passage of said act.

Also, a joint resolution, instructing our senators, and requesting our representative, to use their best efforts to procure the passage of a law by Congress, granting the proceeds of the sale of the lands belonging to the old military establishment, usually known as the 'Old Fort Wayne,' situate in Washington county, in this state, together with five sections of government lands, to aid in the establishment of a military institute at such point in said county of Washington, as the General Assembly may designate.

Also a joint resolution, instructing our senators, and requesting our representative, to use all honorable means to include the 'Post Office' at Boon's Grove, in Washington county, in this state, in the regular mail service, on route No. 5,942, from Carrollton, to Fayetteville, Arkansas.

All of which are herewith transmitted for the assent and concurrece of the senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Harley, the veto message of the governor, returning to the senate, 'an act for the relief of certain persons, who have contracted to purchase lands from the state,' was taken up.

Mr President continued his remarks in support of the veto, and in opposition to the bill.

Message from the house of representatives by the clerk.

Mr. President:

I am instructed to inform your honorable body, that the house

have passed a bill, to be entitled 'an act to repeal the road law approved 31st Dec., 1850.'

Which is herewith transmitted for the assent of the senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr President continued and closed his remarks on the veto message.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to present from your honor's signature, 'an act to incorporate the Male and Female Academy of Monticello;' 'an act to incorporate the Washington Temple of Honor No. 3, in Monticello;' 'an act to exempt the property of Pinckney Anderson from taxation;' 'an act to authorize Benjamin F. Owen, guardian of Mary Louisa Owen, to sell certain real estate in Saline county;' 'an for the relief of John S. Winston, sheriff and collector of revenue of Polk county;' 'an act to authorize William Anderson to convey certain real estate;' 'an act providing for the sale of fractional section 16, in township 15 south, of range 1 east, in Chicot county;' 'an act for the relief of Green B. Hughes, of Saline county;' 'an act to authorize the county courts of Carroll, Prairie and Conway, to procure field notes and maps of the lands in their counties, respectively.

J. H. HOBBS,
Clerk of the House.

Message from the governor by R. H. Johnson, Esq., his excellency's private secretary.

Mr President:

I am instructed by the governor, to report to the senate, that on the 1st January, 1853, he approved and signed, 'an act to defray the expenses of the inauguration of the governor;' 'an act to grant a charter to Messrs Hanger and Howell, for the purpose of building a toll bridge across Mill Creek, in Pope county, Arkansas;' 'an act to legitimatize the marriage of Henry Dinkins with Martha Wynne, late of Mississippi county;' 'an act to appreciate the value of the swamp and overflowed lands;' 'and act for the relief of the President, Directors and Stockholders of the Mississippi, Ouachita and Red river Railroad company.'

And also, three joint resolutions, instructing our senators, and requesting our representative in Congress, to use their influence; as stated in one resolution, to procure the passage of an act of Congress, appropriating ten sections of public land, the proceeds of of which, to be applied to a geological survey of the State of Arkansas; and, as stated in another resolution, to procure the transportation of the mail, in two horse coaches, once a week, from Ozark, by the way of St. Paul, to Huntsville, in Madison county; thence by the way of William Easley's, to Bentonville; and thence to Marysville, Arkansas, all on the established route; and, as stated by the other resolution, to procure, if possible, the transportation of a weekly mail, in mail stages, from Ozark, in Franklin co., by the way of Grand Prairie; thence to Waldron, in Scott county; thence to Westwood, on Red river.

J. H. HOBBS,
Clerk of the House.

Mr President resumed the chair.

On motion of Mr Lemoyne, leave of absence was granted Mr Hawkins for an indefinite period of time.

Mr Huey was called to the chair.

On motion of Mr President, the amendment of the house of representatives to senate bill No. 144, to be entitled 'an act to divide the State of Arkansas into two congressional districts,' was taken up, read, and concurred in by the senate.

On motion of Mr Lemoyne, the amendment of the house of representatives to senate bill No. 137, to be entitled 'an act to grant a charter to George W. Lemoyne, for the purpose of erecting and building a toll bridge across Point Remove creek, in Conway county, Arkansas,' was taken up, read, and concurred in by the senate.

Mr Davidson, on leave, introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the constitution of the State of Arkansas be so amended as to allow the reduction of Lawrence county to seven hundred and twenty-five square miles, and the formation of a New county out of the remainder of the territory of said county of Lawrence; *Provided*, That the new county to be so formed shall contain seven hundred and twenty-five square miles of territory.

Which was read a first time.

The question 'shall the resolution be ordered to a second reading on to-morrow?' was stated from the chair.

Yeas.—Messrs Berry, Billingsley, Bozeman, Clarke, Davidson, Ellis, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Mitchell, Poindexter and Mr President—15.

Nays.—Messrs Maxwell and Rose.

So the resolution was lost, as two thirds of all the senators elected did not vote for it.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr. President:

The committee on enrollments, have this day delivered to the governor, for his approval, 'an act to amend section 128, chapter 95, of the Digest of the State of Arkansas;' 'an act to constitute Louisa Americus Taylor an heir and legal representative of James C. Glennin;' 'an act to change the name of Mary Boyd to the name of Mary Olivia Hansbury,' and instructed me to report the same. WM. C. MITCHELL, *Chairman.*

The question, "shall the bill of the senate, entitled 'an act for the relief of certain persons who have contracted to purchase lands from the state,' pass, the objections of the governor to the contrary notwithstanding?" was stated from the chair, and the yeas and nays ordered.

Yeas.—Messrs Harrison, Lemoyne and Poindexter—3.

Nays.—Messrs Berry, Billingsley, Bozeman, Clarke, Davidson, Ellis, Harley, Henson, Huey, Izard, Maxwell, Mitchell, Rose and Mr President—14.

So the bill was lost.

No. 150. Mr Harrison, on leave, introduced a bill, to be entitled 'an act to provide for assessing and taxing all reclaimed swamp and overflowed lands.'

Which was read a first time.

On motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Harrison, the bill was, at the suggestion of senators, referred to a select committee, consisting of Messrs Harrison, Harley and Berry.

No. 151. Mr Harrison, on leave, introduced a bill, to be entitled 'an act for the relief of John Hawkins, of Ashley.'

Which was read a first time.

On motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Harrison, the bill was referred to the committee on internal improvements.

No. 152. Mr Clarke, on leave, introduced a bill, to be entitled 'an act amending the laws now in force in regard to settlement of accounts against the state, and prescribing the manner of the settlement and payment of the same.'

Which was read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Clarke, the rules of the senate were again dispensed with, the bill read a third time, and passed.

No. 153. Mr Lemoyne, on leave, introduced a bill, to be entitled 'an act directing the attorney general to file a bill in chancery to divest the trustees of the real estate bank of the assets of that institution.'

Which wss read a first time.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr President, the bill was referred to the committee on the judiciary.

No. 154. Mr President, on leave, introduced a bill, to be entitled 'an act to provide for the election of swamp land commissioners by the General Assembly.'

Which was read a first time.

On motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr President, the bill was referred to the committee on internal improvements.

Mr President resumed the chair.

On motion of Mr Billingsley, house bill No. 235, to be entitled 'an act to repeal the road law, which passed, and was approved the 31st December, 1850; and to amend the road law in English's Digest of the statutes of Arkansas,' was taken up, and read a first time.

Mr Berry was called to the chair.

On motion of Mr Davidson, the rules of the senate were dispensed with, and the bill read a second time.

Mr Clarke offered the following amendment:

Sec. —. *Be it further enacted*, That section eighty, of chapter one hundred and forty, of the Digest of the statutes of Arkansas, under the head of roads and highways, be, and the same is hereby repealed.

Which was read, and the question being on its adoption, Mr Davidson called for the yeas and nays, which being sustained were ordered.

Yeas.—Messrs Burrow, Clarke, Henson and Rose—4.

Nays.—Messrs Berry, Billingsley, Bozeman, Davidson, Ellis, Harley, Harrison, Huey, Izard, Lemoyne, Maxwell, Mitchell and Poindexter—13.

So the amendment was lost.

On motion of Mr Billingsley, the rules of the senate were dispensed with, the bill read a third time, and passed.

On motion of Mr Lemoyne, the vote taken on the resolution proposing to amend the constitution of the state of Arkansas, so as to authorize the formation of two counties out of the territory of Lawrence county, of 725 square miles each, was reconsidered.

The resolution was then ordered to a second reading on to-morrow, by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Underhill and Mr President—18.

Nay.—Mr Rose—1.

Mr Ellis introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the constitution of this state be so amended as to allow the reduction of the counties of Poinsett and Green to seven hundred and twenty-five square miles, and the formation of a new county out of the remainder of the territory of the said counties of Poinsett and Green, of seven hundred and twenty-five square miles.'

Which was read a first time, and ordered to a second reading on to-morrow, by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Mitchell, Poindexter, Underhill and Mr President—18.

Nay.—Mr Rose—1.

No. 155. Mr President, on leave, introduced a bill, to be entitled 'an act to authorize the secretary of state, auditor of public accounts, and state treasurer, to appoint deputies for their several offices.'

Which was read a first time.

On motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr President, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Huey, senate bill No. 127, to be entitled 'an act to incorporate the Fulton and Cairo Railroad Company,' together with the report of the committee on internal improvements, made thereon, on the 28th December, were taken up, and recommitted to the committee on internal improvements.

Mr Huery moved to adjourn, until to-morrow morning, 10 o'clock.

Which motion was lost.

On motion of Mr Izard, the senate adjourned until to-morrow morning, 9 o'clock.

THOMAS B. HANLEY, *President.*

Tuesday, Jan 4th, 1853.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President —20.

Prayer by A. R. Winfield, chaplain

The journal of yesterday was read and approved.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined 'an act to adopt William Callison, and make him the legal heir of David G. Hughes;' also, an act supplementary to an act entitled an act to divide the State of Arkansas into two congressional districts;' also, 'an act to appropriate two hundred dollars to furnish the executive office;' also, 'an act for the relief of James H. May, sheriff of Montgomery county;' and have instructed me to report the same, correctly enrolled. WM. C. MITCHELL, *Chairman.*

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have adopted a joint resolution, instructing our senators and requesting our representative, to use their best exertions to have the provisions of the law granting pensions to the widows and orphans of those officers and soldiers, who fell in the service of the United States, in Mexico, extended, so as to embrace the widows and orphans of those who fell in the same service on our western frontier, in the battallion of Lietenant Col. Wm. Gray; which is herewith transmitted for the concurrence of the senate, which is is respectfully asked.

The house of representatives have passed bill No. 41, to be entitled 'an act to amend the 62d section, of the 140th chapter, of the Digest, under the head of private roads;' also, bill No. 135, to be entitled 'an act for the relief of sundry citizens of Pulaski county;' also, bill No. 147, to be entitled 'an act to amend chapter 40, of the Digest of the statutes, in relation to costs;' all of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS.
Clerk of the House.

Mr President:

I am instructed to inform your honorable body, that the house have passed a bill, to be entitled 'an act to provide more fully for the incorporation of the city of Fort Smith;' which is herewith transmitted for the assent of the senate.

The house have also adopted a joint resolution, proposing to amend the constitution of the state, so that the county of Sebastian may be reduced to any number of square miles not less than six hundred, and a population not less than the ratio of representation; which is also transmitted for the concurrence of the senate.

J. H. HOBBS,
Clerk of the House.

No. 156. Mr Poindexter, on leave, introduced bill, to be entitled 'an act for the relief of James Trigg, and others."

Which was read a first time.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

Mr Berry was called to the chair.

After debate and explanation, the bill was, on motion of Mr

President, referred to a select committee, consisting of Messrs Poindexter, Harley and Burrow.

Mr Izard, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, to whom was referred the bill, to be entitled 'an act to create a board of internal improvement for the State of Arkansas,' have had the same under consideration, and have instructed me to report said bill back to the senate, with sundry amendments, and recommend its passage.

Strike out, in the 2d line of the 2d section, the word 'two,' and insert 'one;' and, also, the word 'which,' and insert 'whom.' Strike out the word 'perpetual,' in the 7th line of the same section, and insert 'continuous.' Insert the word 'of,' between the words 'both' and 'law,' in the 6th line of the third section. Insert, after the word 'purposes,' in the 11th line of the 6th section, the words 'and the 500,000 acre fund.' Strike out all after the word 'Arkansas,' in the 2d line of the 8th section, to the word 'also,' in the 4th line. Strike out all between the words 'Arkansas' and 'not,' in the 6th line of the same section. Strike out all between the words 'Arkansas' and 'or,' in the 4th line of the 9th section. Strike out the word 'legislature,' in the 7th line of the 11th section, and insert 'General Assembly.' Strike out all between the words 'Arkansas' and 'and,' in the 7th and 8th lines of the 14th section. Fill the blank in the 7th line of the 15th section with the word 'three,'— Insert the words 'and corporation,' after the word 'individuals,' in the 6th line of the 16th section. Strike out all between the words 'Rock' and 'for,' in the 11th line of the 19th section.

IZARD, *Chairman.*

Which report was read and received.

On motion of Mr Izard, the rules of the senate were dispensed with, and the amendment taken up, read and adopted.

On motion of Mr Izard, the rules of the senate were dispensed with, and the bill taken up for a third reading, as amended.

Before the bill was read, Mr President expressed a desire, that it should not be placed in a situation that it could not be amended, as he desired to offer several amendments, whereupon, Mr Izard moved to reconsider the vote taken on suspending the rules of the senate for a third reading of the bill.

Which motion prevailed.

On motion of Mr President, the bill was referred to the committee of the whole, and made the order of the day for to-morrow.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 171, entitled 'an act to attach a portion of Pope county to the county of Yell;' which is herewith returned.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Burrow, house bill No. 168, to be entitled 'an act to lend all the school funds of Arkansas county in support of common schools,' was taken up, read a third time, and passed.

Message from the house of representatives by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act incorporate the Male and Female Academies of Monticello;' also, 'an act to amend an act entitled an act to incorporate the Memphis and St. Francis Plank Road Company, approved January 10th, 1852.'

J. H. HOBBS,
Clerk of the House.

On motion of Mr Clarke, the joint resolution of the house of representatives, proposing to amend the constitution, so as to authorize the reduction of Sebastian county to 600 square miles, was taken up, read a first time, and ordered to a second reading on to-morrow, by the following vote:

Yeas.—Messrs Billingsley, Bozeman, Burrow, Clarke, Davidson, Harley, Harrison, Huey, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill and Mr President—18

Nay.—Mr Rose—1.

On motion of Mr Harley, the rules of the senate were dispensed with, and house bill No. 287, to be entitled 'an act to amend an act to incorporate the town of Warren, in Bradley county,' was taken up and read a first time.

On motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Harley, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Bozeman, the rules of the senate were dispensed with, and house bill No. 142, to be entitled 'an act granting a charter for a toll bridge across the Bayou De Roche, to James E. M. Barkman, was taken up and read a first time.

On motion of Mr Henson, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Henson, the bill was referred to a select committee, consisting of Messrs Henson, Bozeman and Lemoyne.

Mr President resumed the chair.

Mr Underhill, from a committee of conferrence, made the following

REPORT:

Mr President:

The joint committee of conference, appointed upon a disagreement of the two houses, on house bill No. 188, —— 'to facilitate the convenience of assessing and collecting taxes,' have instructed me to report the same back, and advise that the senate recede from their amendment.

UNDERHILL, *Chairman.*

Which report was read, and on motion of Mr Underhill, adopted.

Mr Berry, from a committee of conference, made the following

REPORT:

Mr President:

The joint select committee of conference, to whom was referred house bill No. 45, to be entitled 'an act to amend chapter 138 of the revised statutes of Arkansas, under the head of Revenue of Counties,' and the amendments thereto, have had the same under consideration, and a majority of said committee have instructed me to report said bill back to the senate, and recommend that the senate do recede form its second amendment to said bill.

BERRY, *Chairman.*

Which report was read and received, and on motion of Mr Berry, adopted.

Mr Burrow was called to the chair.

On motion of Mr Huey, house bill No. 99, to be entitled 'an act to prevent slaves from being employed in retail groceries and dram-shops,' was taken up and read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Davidson, the joint resolution of the senate, proposing to amend the constitution, so as to reduce Lawrence county to 725 square miles, &c., was taken up and read a second time.

It was ordered to a third reading on to-morrow by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill and Mr Presidet—19.

Nay.—Mr Rose—1.

On motion of Mr Ellis, the joint resolution of the senate, proposing to amend the constitution of the state, so as to reduce Poinsett and Green counties to 725 square miles, and the formation of a new county out of said counties, of like dimensions, was taken up and read a second time, and ordered to a third reading on to-morrow, by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Underhill and Mr President—19.

Nays—Mr Rose—1.

On motion of Mr Huey, house bill No. 89, to be entitled 'an act to change the line dividing the counties of Union and Ouachita,' was taken up and read a first time.

On further motion of Mr Huey, the rules the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Berry, house bill No. 205, to be entitled 'an act to place that part of the United States' road that passes through Izard county, under the jurisdiction of the county court of said county,' was taken up, read a third time, and passed.

On motion of Mr Berry, the bill of the house of representatives No. 248, to be entitled 'an act to provide for the organization of the militia when called out to suppress insurrections,' was taken up and read a second time.

On motion of Mr Berry, the rules of the senate were dispensed with, the bill read a third time, and passed.

Mr Harrison, on leave, made the following

REPORT:

Mr President:

The committee on internal improvements, to whom was referred senate bill No. 151, to be entitled 'an act for the relief of John Hawkins, of Ashley county,' have had the same under consideration, and have directed me to report the same to the senate, and recommend its passage.

HARRISON,
One of the Committee.

Which report was read and received.

On motion of Mr Harrison, the rules of the senate were dispensed with, and the bill accompanying the above report taken up, read a third time, and passed.

Message from the governor, by R. H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the senate, that on the 3d day of January, 1853, he approved and signed, 'an act to constitute Louisa Americus Taylor an heir and legal representative of James C. Glennin;' 'an act to change the name of Mary Boyd to the name of Mary Olivia Hansbury;' 'an act to amend section 128, chapter 95, of the Digest of the statutes of Arkansas;' and, 'an act to divide the State of Arkansas into two congressional districts.'

And, on the 4th January, 1853, he approved and signed, 'an act supplemental to an act entitled an act to divide the State of Arkansas into two congressional districts;' 'an act to adopt William Callison, and make him the legal heir of David G. Hughes;' and, 'an act to appropriate two hundred dollars to furnish the executive office;' 'an act for the relief of William Peveyhouse, sheriff and 'collector of Green county;' and 'an act for the relief of James H. May, sheriff of Montgomery county.'

R. H. JOHNSON,
Private Secretary.

Mr Harrison, from a select committee, made the following

REPORT:

Mr President:

The special committee, to whom was referred senate bill No. 150, to be entitled 'an act to provide for the assessing and taxing swamp and overflowed land,' having considered the same, herewith transmit it to the senate with an amendment thereto, and recommend its passage.

HARRISON, *Chairman.*

Amend the 12th line of the 1st section, by inserting after, '1851,' the words, 'confirmed by the general government to the State of Arkansas.'

Which report was read and received.

On motion of Mr Harley, the rules of the senate were dispensed with, and the amendment taken up, read, and adopted.

On further motion of Mr Harley, the rules of the senate were again dispensed with, the bill, as amended, read a third time, and passed.

On motion of Mr Berry, house bill No. 104, to be entitled 'an act to repeal in part the 117th chapter of the Digest of the statutes of the State of Arkansas, under the head of Patrols,' was taken up and read a first time.

On motion of Mr Huey the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Huey, the bill was referred to a select committee, consisting of Messrs Huey, Berry and Bozeman.

On motion of Mr Berry, senate bill No. 84, to be entitled 'an act for the relief of Henderson P. Holmes,' was taken up, read a third time, and passed.

On motion of Mr Maxwell, house bill No. 267, to be entitled 'an act to authorize the clerks of the circuit courts of the counties of Marion and Searcy to transcribe certain records of their offices,' was taken up and read a first time.

On further motion of Mr Maxwell, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Maxwell, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Lemoyne, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred senate bill No. 153, to authorize suit against the trustees of the real estate bank, have had the same under consideration, and have instructed me to report the same bill back to the senate with the following amendment:

Strike out the word, 'the,' in the 17th line of the 1st section, and insert, 'all,' in the same line; after the word, 'officers,' insert, 'and against:' strike out the word, 'bank,' in the same line, and insert, 'board of trustees.'

Should said amendment be adopted by the senate, I am instructed by the committee to recommend that the bill pass.

LEMOYNE,
One of the Committee.

Which report was read and received.

On motion of Mr Lemoyne, the report was taken up and adopted,

On further motion of Mr Lemoyne, the rules of the senate were dispensed with, the bill, as amended, read a third time, and passed.

On motion of Mr Clarke, the rules of the senate were dispensed with, and house bill No. 277, to be entitled 'an act to provide more fully for the incorporation of the city of Fort Smith,' was taken up and read first time.

On further motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Clarke, the rules of the senate were again dispensed with, and the bill read a third time, and passed.

On motion of Mr Davidson, house bill No. 291, to be entitled 'an act to establish in the town of Batesville, State of Arkansas, an institution for the promotion of the fine arts mechanism, science, education, commerce and agriculture, and the diffusion of knowledge,' was taken up and read a first time.

On further motion of Mr Davidson, the rules of the senate were dispensed with, and the bill read a second time,

And, on further motion of Mr Davidson, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Harrison, the rules of the senate were dispensed with and house bill No. 395, to be entitled 'an act repealing in part an act entitled an act granting corporate powers for certain purposes,' was taken up and read a first time.

On further motion of Mr Harrison, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Harrison, the rules of the senate were again dispensed with, the bill read a third time and passed.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have this day passed house bill No. 310, entitled an act authorizing suits of ejectment to be instituted, &c.;' also, an act to pay clerks of the bank committees.'

All of which are herewith transmitted for the assent of the senate; which is respectfully asked.

J. H. HOBBS

Clerk of the House.

Mr President:

I am instructed to report to your honorable body, that the house have passed a substitute for house bill ——, entitled 'an act to adjust the title and provide for the sale of certain lands, granted to this state, contracted for by persons who have proved insolvent, or who have failed to comply with their contract;' which is submitted for your assent; which is respectfully asked.

J. H. HOBBS,

Clerk of the House.

Mr Lemoyne, on leave, introduced a bill, to be entitled 'an act to declare Plum Bayou navigable.'

Which was read a first time.

On motion of Mr Lemoyne, the rules of the senate dispensed with, and the bill read a second time.

And, on further motion of Mr Lemoyne, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Davidson, house bill No. 262, to be entitled 'an act to incorporate Makemic College,' was taken up and read a first time.

On further motion of Mr Davidson, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Davidson, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Huey, the rules of the senate were dispensed with, and house bill No. 301, to be entitled 'an act authorizing suits in ejectment to be instituted,' was taken up and read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Poindexter, the senate adjourned.

THOMAS B. HANLEY, *President.*

Wednesday, Jan. 5th, 1853.

The Senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Clarke, Ellis, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Mr President—17.

Prayer by Rev. A. R. Winfield, chaplain.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed bill No. 280, to be entitled 'an act amendatory of existing laws regulating the landed interests of this state;' also, bill No. 292, to be entitled 'an act for the relief of Elizabeth Marsh;' also, bill No. 316, to be entitled 'an act to attach a portion of the county of Conway to the county of White;' also, bill No. 183, to be entitled 'an act for the relief of Henry Jacoby;' also, bill No. 311, to be entitled 'an act to incorporate the Arkansas Western Railroad Company;' all of which are herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Berry, from the committee on enrolled bills, made the following

ROPORT:

Mr President:

The committee on enrollments have examined 'an act to incorporate the People's Insurance Company, at Osceola,' and have instructed me to report the same correctly enrolled.

BERRY,
One of the Committee.

On motion of Mr Harley, house bill No. 313, to be entitled 'an act to adjust the title, and provide for the sale of certain lands granted to this state, contracted for by persons who have proved insolvent, or who have failed to comply with their contracts,' was taken up, and read a first time.

On further motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Harley, the bill was referred to a select committee, consisting of Messrs Harley, Harrison and Clarke.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act to change the time of holding the probate court of Prairie county;' also, 'an act to repeal the road law, which passed, and was approved, the 31st day of December, 1850, and to amend the road law in the Digest of the statutes of Arkansas.'

J. H. HOBBS,
Clerk of the House.

Mr Lemoyne moved to take up house bill No. 210, to be entitled 'an act for the relief of the deaf and dumb asylum, at Danville, Kentucky.'

Which motion, upon a division, was lost.

Mr Clarke presented a petition, signed by 23 citizens of Sebastian county, praying the passage of an act, granting Sydney S. Griffith, of said county, the privilege of hawking and peddling throughout the state, without paying license for doing so.

Which was read.

No. 158. Mr Clarke, at the same time, introduced a bill, to be entitled 'an act for the benefit of Sydney S. Griffith, of Sebastian county.'

Which was also read.

Mr Clarke introduced the following

PREAMBLE AND RESOLUTION:

Whereas, The great project of constructing a railroad from the Mississippi river to California is now engaging a large share of public attention; and,

Whereas, The people of the state of Arkansas feel a deep interest in the same, believing it to have been clearly proven by the surveys, reconnoisance and explorations of divers expeditions, under the authority of the general government, as well as by the experience of numerous intelligent overland emigrants, that the central route, from Memphis, through the State of Arkansas, *via* the river Gila, is the most eligible and least expensive; and,

Whereas, It behooves, and is expedient and proper, that all the states in the Union, friendly to the enterprise, meet in convention, to adopt measures for the promotion of the same; Therefore,

Be it resolved by the General Assembly of the State of Arkansas, That their fellow-citizens throughout the United State, friendly to the construction, be, and they are hereby invited to meet in convention, at the city of Memphis, on Monday, the 16th day of May next, to consider of the best means of accomplishing the great objects herein designated.

Be it further resolved, That our fellow-citizens of Arkansas be, and are hereby requested, and urged, to send delegates to the convention from all the counties.

Which were read a first time, and ordered to lie on the table one day, under the rule.

Mr Berry introduced the following

PREAMBLE AND RESOLUTION:

Whereas, The session of this present General Assembly is fast coming to a close; and,

Whereas, There is a quantity of important unfinished business yet on the secretary's table; Therefore,

Be it resolved, That the public speaking members of this senate be requested to make those speeches 'like angels' visits—few, and far between.'

Which were read.

Mr Berry moved the adoption of the resolution.

Which motion was lost.

Mr Harley introduced the following

RESOLUTION:

Resolved, That the ladies who may visit the capitol to-day, to hear discussion in the senate, be, and they are hereby invited to take seats by the fire, in the senate chamber.

Which was read, and unanimously adopted.

On motion of Mr Poindexter, the vote taken on the passage of house bill No. 310, to be entitled 'an act authorizing suits of ejectment to be instituted,' was reconsidered.

Mr Mitchell from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined 'an act to grant to William Carter, and others, the privilege of building and keeping mill-dams across Eleven Points river, in Randolph county, State of Arkansas;' 'an act to attach a part of Pope county to the county of Yell, in this state;' also, 'an act to attach a portion of Conway county to the county of Pope, in this state; also, 'an act to grant a charter to George W. Lemoyne, for the purpose of erecting and building a toll bridge across Point Remove Creek, in Conway county, Arkansas;' also, 'an act to sell the school lands;' and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr Berry was called to the chair.

Mr Huey, from the joint standing committee on auditor and treasurer's books, made the following

REPORT:

Mr President:

The joint standing committee of the two houses on the Auditor and Treasurer's books, have had the subject under consideration since an early day in the present session, and instruct me to report the result of their deliberations, which they herewith proceed to lay before your honorable body.

Your committee have examined with great care and patience the various books of the Auditor and Treasurer, and have the pleasure to communicate, that they have found nothing in either, indicating malfeasance or misfeasance in the office of these functionaries; nor do they pretend to complain to any great extent, in reference to the mode and manner, in which the business of their respective offices is transacted or performed; except so far as this report in the sequel, shall point out and designate. The examination of your committee is intended to embrace all the intermediate time, between the 30th September, A. D., 1850, and the 23d December, 1852, a period of two years and near three months; and they will state by way of apology, for having embraced so large a space as the above, in the scope of their enquiries, that on the examination of the report of the Auditor and Treasurer, as well as the report of the committee, appointed on the same subject, communicated to the last General Assembly, it will be discovered that these reports do not extend to a period latter than the time at which your committee commenced their researches. Taking then, the two periods above designated, as the commencement and termination of their enquiries, your committee without further remarks or comment, will proceed with the subject before them.

On the 23d day of December, 1852, the committee found in the treasury the funds hereinafter designated, to-wit:

In specie, belonging to the general revenue apc.				$44,681 11
In	do	do	do Seminary fund	7,170 [illegible]
In	do	do	do Int. Improvement fund	15,654 69
In	do	do	do to and due certain co.	513 [illegible]
In	do	do	do " " on apc. of escheats,	62 71
In	do	do	do to Monument fund	45 60
			Total amount in specie in Treasury	$68,134 25

Besides the above amount in specie, the committee found in the Treasury the sum of $258 89, in county scrip due to certain counties, which added to the amount of specie on hand as above, makes the whole sum in the Treasury, $68,393 14, subject to the different interests and objects hereinbefore specified, and to which these several amounts are respectfully credited, as above.

Your committee have been furnished with the following joint resolutions, to-wit:

Resolved, That the standing committee on the Auditor and Treasurer's books, be requested to set forth in their report, the amounts respectively, of the contingent expenses of the offices of Secretary of State, Auditor, Treasurer and Land Agent, which they have been informed was adopted by their respective houses, since the commencement of their researches, as aforesaid, and in obedience thereto, they herewith will proceed to lay before your honorable body, the information contemplated and solicited thereby; and in doing so they have ascertained from a careful inspection of the books and vouchers of the offices embraced within the resolution aforesaid, that the whole amount of the contingent expenses of these several officers, has amounted, in the aggregate, or as follows in detail, that is to say:

	Postage.	Books and Stationery.	Furniture & repr's. of office.	Printing and binding.	Total.
Auditor,	373 79	459 19	42 75	288 69	$1,166 42
Treasurer,	3 45	174 00	62 00	141 20	412 55
Sec. of State,	83 49	126 85	12 00	603 74	825 08
Land Agent,	26 05	32 55		218 35	276 95
Aggregate of contingent expenses					$2,[illegible] 00

In the above it will be discovered, that the secretary of state is charged with having expended for printing, incidental to his office, the sum of $603 74; but the committee is satisfied, from an inspection and examination of the vouchers exhibited to them by the secretary of state, at the time they were employed in this enquiry, that the sum of $570 36 of this amount should have been strictly chargeable to the printing account of the executive office proper, leaving only the sum of $33 38 of the printing account charged to the office of the secretary of State, properly chargeable to his office; and this statement your committee feel it their duty to make in justice to the incumbent in the office of Secretary of State, in order that he may be put right on this subject, not only before the General Assembly, but the people of the state at large.

Your committee were furthermore advised, that a joint resolution passed the two houses of the present General Assembly, requiring them to investigate the subject of clerk hire in the auditor's office, chargeable to the internal improvement and seminary funds, and in the pursuance thereof they have the honor to report, that they find that the auditor has paid out of the funds of the former for clerk hire, the sum of $845 50; and they find further, that he has paid out of the seminary fund for the same purpose, the sum of $483 00, making the total amount expended by the auditor for clerk hire, out of the two funds hereinbefore designated, the sum of $1328 50.

The committee, in justice to the auditor and clerks whom he has employed, under the authority aforesaid, beg leave to state, that they have found no cause to complain in consequence of the manner in which said funds were respectively expended as aforesesaid; for they have every reason to believe, from their observations, that the gentlemen employed as clerks in the office of the auditor, have faithfully and ably discharged their duties as such, and have rendered the state valuable and equivalent services.

By the appropriation made at the last session of the General Assembly, one thousand dollars were directed to be applied to defray the contingent expenses of the auditor and treasurer's offices conjointly. On reference to the tabular statement prepared and presented, it will be discovered that the aggregate amount of the contingent expenses of these offices, for the two years ending the 30th September, 1852, (the estimate only being intended to extend to this date,) was $1578 97, or five hundred and seventy-eight 97-100 dollars over and above the appropriation made by said act for the purposes aforesaid, the amount of excess, your committee are informed, was drawn by the auditor from an unexpended balance remaining of the appropriatiou for the year 1850, under the act of 1849, and for his authority for so doing, the auditor very frankly referred your committee to a letter from the attorney general, the present chief justice of the supreme court, addressed to the present governor, then auditor, in the year 1847, and communicated to the public by the report of the auditor to the legislature, at the session of 1848, and published in the house journal for 1848, at page 371, to which your committee most respectfully beg leave to refer, should more particular information be desired on this branch of the subject.

It will be recollected, that the treasurer, in his *biennial* report, communicated to the present General Assembly, stated that he was in the possession of no record or other official, showing and indicating the credits to which the notes due the seminary and internal improvement funds were entitled, and urged this as a reason why he could not make this showing on his lists of such notes.—He has prepared a list of the notes, and is waiting for the auditor to furnish him with the credits to which each note is entitled, which, when so furnished, as he remarks in his report, will make one office a check upon the other, at least, so far as the funds referred to are concerned.

Your committee have had referred to them by the house of representatives, the memorial of Peter T. Crutchfield, and other securities of the late Samuel Adams, former treasurer of the state, stating that they have deposited with the treasurer the sum of $3,765 00, in coupons, now due, and bonds running to maturity, and praying that these might be taken by the state, in full payment of the sum of $3,764 50, alleged to be due by their principal to the state, for an amount omitted to be paid over to his successor in office, for the recovery of which, suit has been brought in the Pulaski circuit court, and asking further, that said suit yet depending against them might be dismissed; and your committee beg leave to state, that on a full and careful consideration of all the points embraced in said memorial, they feel it their duty to respectfully recommend to your honorable body the passage of an act granting the prayer of said memorial, and authorizing the attorney general to dismiss said suit in the Pulaski circuit court, and that said coupons and bonds in the hands of the treasurer be received and taken, in full discharge of the above specified and stated amount.

The report of the treasurer shows that there are certain balances due different funds, amounting to less than one thousand dollars, and that there is in the treasury, $6,125 00 in Arkansas bank notes, your committee would respectfully recommend, that the excess of bank paper in the treasury over and above the sum of one thousand dollars, be burnt or otherwise destroyed, and that a committee for that purpose be appointed by your honorable body.

In reference to the report of the joint standing committee on the auditor and treasurer's books, communicated to the last General Assembly, it will be discoved that sundry treasury warrants were listed as having been burnt by them. This list, on examination, will be found to extend to and embrace treasury warrants, issued in the 4th quarter of the fiscal year, 1850; and the committee find that one warrant, issued in favor of Samuel Billingsley, for $153 00, and one in favor of David Maxwell, for $4 00, are named as having been burnt by that committee, and on reference to the lists of funds and assets, turned over by Wm. Adams, then treasurer, to his successor, it will be discovered that these same warrants are included, thereby giving to the said Adams a double credit for the same amount. Your committee would therefore recommend to your honorable body, that the attorney general be directed to commence suit against the securities of the said Adams, on his official bond as treasurer, in case they should fail or refuse to make the amount of $150 00, thus improperly credited to him, good.

Your committee are much pleased with the manner and mode in which the office is conducted by the present very able and efficient incumbent, and this committee bear testimony to this the more willingly for the reason that it is known to the most of them, that the books of the department over which he presides were in a very confused situation when placed in his hands, owing to causes not here necessary to mention.

Your committee are satisfied frm the vouchers furnished and submitted to them, that the present treasurer has been induced to expend the sum of $170 00 to pay clerk hire, in order to enable him to attain the system and order indicated at the present. And besides this your committee feel no hesitancy in saying that the treasurer for the reasons aforesaid, has had to perform and expend much extra labor, which does not necessarily grow out of or belong to the office, with a view and hope of accomplishing its present state of perfection. Your committee would therefore respectfully recommend, that an act be passed, appropriating a sum sufficient to remunerate him for the amount really spent, and as a compensation for the extra service performed by him; all of which is respectfully submitted. And your committee ask to be discharged from the further consideration of the subject, which they have had under advisement.

HUEY, *Chairman,*
on the part of Senate.
RUTHERFORD, *Chairman,*
on the part of House.

Which report was read and received.

On motion of Mr Henson, the report was adopted.

On motion of Mr Huey, 500 copies of the report was ordered to be printed.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills, have this day delivered to the governor for his approval, 'an act to incorporate the Peoples' Inance Company, at Osceola,' and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

Mr Clarke moved a call of the senate, the roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozemam, Burrow, Clarke, Davidson, Ellis, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, and Mr President—18.

Mr Clarke withdrew his motion for a further call of the senate.

Mr President resumed the chair.

Mr Burrow, from the committee on federal relations, made the following

REPORT:

Mr President:

The committee on federal relations, to whom was referred a joint resolution, offered in the senate, on the 2d November, A. D., 1852, instructing our senators, and requesting our representative, to use their best exertions to obtain an appropriation of fifty thousand dollars, to remove obstructions in the navigation of White river, from the mouth of Black river to the three forks of White river, in Washington county, have considered of the same, and direct me to report the same back to the senate without amendment, and recommend its rejection.

Your committee have been induced to take this step for several reasons:

1st. Because the state has a large internal improvement fund, which might be properly applied to this object, if the state supposed the object worth expenditure; and your committee are unwilling to beg the United States to do that which the state refuses to do, when she has the means to do it if she thought it worth doing; and,

2d. Because the federal government has no power to tax the people, to raise money for such illegitimate objects. The most ultra federalist in either house of Congress does not pretend that the federal government has any power to appropriate money for the purpose of carrying on any kind of internal improvement, unless the work be national in its character; and it is believed that no one will hazard his reputation, by asserting the work contemplated by this resolution, to be a national work, in the correct sense of the term.

Your committee believe that every well informed man, knows that Congress will never make any such appropriation; and they are unwilling to aid in asking for appropriations from the federal government, which they believe they can never obtain, and which they believe they ought not to obtain.

Your committee understand that Congress must first collect money before it can be given away; and they are unwilling to give Congress any such excuse for levying high tariffs, as the resolution proposes

BURROW, *Chairman.*

Which report was read and and received,

Mr Burrow, from the committee on federal relations, made the following

REPORT:

Mr President:

The committee on federal relations, to whom was referred a joint resolution of the house relative to Cuba; and a joint resolution of the senate, relative to the acquision of Cuba and the Sandwich Isles, have considered of the same, and direct me to report both resolutions back to the senate; and recommend the rejection of the house resolution, and the adoption of the senate resolution.

Your committee consider the house resolution unskillfully drawn up, and as it combines only a part of the subject, they prefer the senate resolution, which is more consise, and embraces the whole subject.

Your committee believe that the federal government should acquire Cuba and the Sandwich Isles.

One of them, "Cuba," in the language of J. Q. Adams, "almost in sight of our shores, from a multitude of considerations, has become an object of transcendant importance to the commercial and political interests of our Union. Its commanding position, with reference to the Gulf of Mexico and the West India seas; the character of its population; its situation midway between our southern coast and the Island of St. Domingo; its safe and capacious harbor of the Havana, fronting a long line of our thores, destitute of the same advantage; the nature of its productions and its wants, furnishing the supplies and needing the returns of a commerce immediately profitable and mutually beneficial—give it importance in the sum of our national interests with that of which no other foreign territory can be comparred, and little inferior to that which binds the different members of this Union together. Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral and political relations, formed by Nature, gathering in the process of time, and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a centuary, it is scarcely possible to resist the conviction that the annexation of Cuba to our federal republic will be indispensible to the continuance and integrity of the Union itself."

The Sandwich Isles, by virtue of our recent acquisitions on the shores of the Pacific Ocean, and the extension of our commerce to every part of the East Indies and China, has become an object of scarcely less interest in a national point of view. Our immense shipping interest which is constantly in that quarter of the globe, must frequently touch at these islands, and remain a greater or less length of time. Should they fall into the hands of some rival who covers the seas with his sails; thus, when it was too late, we should see the error we had committed, in refusing to accept the sovereignty of a kingdom, which has been tendered us without money or price.

Your committee cannot express their disapprobation of the course which has been pursued by Mr Fillmore's administration, in connection with these several islands, in terms sufficiently strong.

In the case of the Sandwich Isles, your committee have reasons to believe the sovereignty of the Islands have been tendered to the United States, and Mr Fillmore has suppressed the information, and concealed it in the office of secretary of state.

In the case of Cuba, your committee regret to say, that Mr Fillmore has pursued the most ultra anti republican, anti American and despotic course in the use of federal power; which, by misfortune, was accidentally and unfortunately lodged in his hands—true to the instincts of his party, and totally bent on checking the expansion of the republic, and preventing the spread of republican institutions, he has dared to publish his proclamation, declaring citizens of the United States, engaged in the secret insurrection in Cuba, pirates, and without the protection of the American flag.—The neutrality law of 1818, under which he felt authorized to publish this despotic and unnatural proclamation, is itself a nulity, and at most, never authorized more than fine and imprisonment; whilst the citizens of the United States, who were engaged in the Cuba insurrection, by virtue of treaty stipulations with Spain, were believed to be entitled to right of trial by jury. Mr Fillmore, however, more watchful of the rights of Spain than of the power of the American policy, and the rights of citizens of the United States, issued his illegal proclamation, denying them the rights guarantied by treaties, and placing them absolutely within the power of the captain general of Cuba, who butchered fifty Americons in cold blood, by a single order. Nor did the liberty, granted the captain general by proclamation, stop with this, but more than one hundred and fifty others, guilty of no crime, who were taken upon the high seas, bound to California, were captured, and set to work in Spanish African mines.

More recent developments in Havana, have proved that Mr Fillmore has totally failed to protect the American flag, and has degraded his country, by allowing it to be trailed in the dust.

Your committee have cause however, to rejoice that the American people have properly appreciated the conduct of Mr Fillmore in this connection. The recent unparalleled defeat of his party, and overthrow of his administration, shows that wickedness is not without its punishment. Whilst the election of Franklin Pierce to the presidency, proclaims the approach of a day more glorious to 'the Star Spangled Banner,' which floats over 'the land of the free and the home of the brave.'

BURROW, *Chairman.*

Which report was read and received.

Mr Harrison moved to lay the resolutions and report on the table indefinitely.

But before the question was taken, he, at the request of senators, withdrew his motion.

Mr Poindexter, from a select committee, made the following

REPORT:

Mr President:

The select committee, appointed to examine the bill for the relief of James Trigg and others, have instructed me to report the same, with accompanying amendment, and recommend its passage, to-wit: Strike out the words, 'and this act shall be in force from and after its passage, and insert the accompanying, as section 2d.:

W. P. POINDEXTER, *Chairman.*

Sec. 2. *Be it further enacted*, That before the said Trigg and the estate of the said Paup shall be released from any obligations as provided for in the first section of this act, it shall be ascertained by a judgment of court, of competent jurisdiction, in this state, that the State of Arkansas is unable to make title to the lands, for the purchase of which, such obligations were given.

Which report was read and received.

Mr Huey, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred house bill No. 104, to be entitled 'an act to repeal in part the 117th chapter of the Digest, under the head of Patrols,' have had the same under consideration, and beg leave to report the same back to the senate, and recommend its passage:

HUEY, *Chairman.*

Which report was read and received.

No. 159. Mr Maxwell, on leave, introduced a bill, to be entitled 'an act to change the boundary line between the counties of Carroll and Marion.'

Which was read a first time.

On motion of Mr Maxwell, the rules of the senate were dispensed with, and the bill read a second time.

Mr Maxwell, moved to dispense with the rules of the senate, and read the bill a third time.

To which motion Mr Mitchell objected; when, on motion of Mr Mitchell, the bill was referred to the committee on counties and county lines.

Mr Berry, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have this day delivered to the governor for his approval, 'an act to sell school lands;' also, 'an act to grant to William Carter and others the privilege of building and keeping mill dams across Eveven Points river, in Randolph county, in the State of Arkansas;' 'an act to attach a part of Pope county to the county of Yell, in the state;' 'also, 'an act to attach a portion of Conway county to the county of Pope, in the State of Arkansas;' also, 'an act to grant a charter to George W. Lemoyne for the purpose of erecting and building a toll bridge across Point Remove Creek, in Conway county, Arkansas;' and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Miller, house bill No. 296, to be entitled 'an act to exchange certain funds,' was taken up and read a first time.

Mr Miller moved to dispense with the rules of the senate, and read the bill a second time.

Which motion was lost.

Mr Poindexter moved that the special order of the day be taken up.

Which motion prevailed.

And the special order of the day being the joint resolutions, instructing our senators, and requesting our representative in Congress, to vote against any measure in Congress, in opposition to to the platform put forth by the Democratic National Convention that nominated Franklin Pierce for the presidency, &c., was taken up and read.

Mr Huey was called to the chair.

On motion of Mr Burrow, the two reports made this morning by himself, as chairman of the committee on federal relations, together with the resolutions accompanying them, were taken up and read.

On further motion of Mr Burrow, the resolutions were made the special order of the day—the reports of the committee on federal relations, and the resolutions accompanying them, were referred to the committee on the whole, and made the special order of the day for to-day.

Mr President resumed the chair.

On motion of Mr Izard, the senate resolved itself into committee of the whole on said resolutions and reports.

Mr Harrison in the chair.

After some time spent therein the committee arose, reported progress, and asked leave to sit again this evening, at 6 1-2 o'clock.

Which leave was granted.

On motion of Mr Harley, the senate took a recess until 6 1-2 o'clock, P. M.

At half past 6 o'clock, P. M., the senate convened, the roll was called by order of the chair.

Present—Messrs Berry, Billingsley Burrow, Davidson, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Poindexter, Rose and Mr President—14.

There not being a quorum present the sergeant-at-arms was ordered to bring in the absentees.

[illegible] from the chamber for a short time. Upon [illegible] called to order by the chair. [illegible] Messrs Billingsley, Bozeman, Burrow, Davidson, [illegible] Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, [illegible] Mitchell, Poindexter, Rose and Mr President—18.

On motion of Mr Izard, the senate resolved itself into committee of the whole, on the resolutions and reports, referred [illegible].

Mr Davidson in the chair.

After two hours spent therein, the committee arose, and through their chairman reported progress, and asked leave to sit again tomorrow evening at [illegible] o'clock.

On motion of Mr Izard, the senate adjourned.

THOMAS B. HANLY, *President.*

Thursday, Jan. 6th, 1853.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Hanly, Harrison, Henson, Huey, Izard, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—19.

Prayer by A. R. Winfield, chaplain.

The journal of yesterday was read and approved.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 45, to be entitled 'an act to incorporate the Arkansas Central Railroad Company,' with sundry amendments thereto, in which your honorable body is respectfully asked to concur.

Also, to senate bill No. 82, to be entitled 'an act revising the common school system in the State of Arkansas,' with sundry amendments thereto, in which your concurrence is respectfully asked.

Also, to senate bill No. 89, to be entitled 'an act for the relief of Henderson P. Holmes.'

Also, to senate bill No. 142, to be entitled 'an act for the relief of James Lawson.'

All of which are herewith returned.

The house of representatives have passed bill No. 317, to be entitled 'an act to define the line between the counties of Searcy and Van Buren;' also, bill No. 318, to be entitled 'an act to incorporate the Mississippi Valley Railroad Company;' also, bill No. 31

to be entitled 'an act amendatory of the common school law, so far as it relates to the county of Hot Spring;' also, bill No. [illegible], to be entitled 'an act to transfer the settlement of the accounts and guardianship of David M. Moore, from the county of Crawford to the county of Washington;' also, bill No. 221, to be entitled 'an act amendatory of the charter of the city of Little Rock;' also, bill No. 222, to be entitled 'an act to incorporate the town of Osceola, in Mississippi county;' all of which are herewith transmitted for the assent of the senate.

The house of representatives have adopted a joint resolution to the effect, that the two houses of this General Assembly go into the election of certain state officers, this day, at 3 o'clock, P. M., which is herewith transmitted for the concurrence of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined 'an act for the relief of Henderson P. Holmes;' also, 'an act to incorporate the president and trustees of the Lacy Male and Female Academy;' and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Underhill, the amendments of the house of representatives to senate bill No. 45, to be entitled 'an act to incorporate the Arkansas Central Railroad Company,' were taken up, severally read, and concurred in by the senate.

Mr Harley was called to the chair.

Message from the house of representatives by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act to prevent slaves and free negroes from being employed in retail groceries or dram shops;' 'an act to provide for the organization of the militia, when called out to suppress insurrections;' 'an act to place that part of the United States road that passes through Izard county, under the jurisdiction of the county court of said county;' 'an act to amend chapter 138, of the Digest of the statutes, under the head of revenue of the counties;' 'an act to change the line between Union and Ouachita counties;' and, 'an act to facilitate the convenience of assessing and collecting taxes.'

J. H. HOBBS,
Clerk of the House.

Mr President presented the petition of George A. Worthen, representing, that on the 6th day of March, 1848, he purchased of the auditor of the state, the N. W. fractional quarter of section 18, and the S. E. fractional quarter of section 20, both in township [illegible] range [illegible] of the 5th principal meridian—paid for the first described tract of land, $31 84, and for the last [illegible] besides the legal office fees; and that at the time of making the purchase, and until December, 1851, he considered his title to said lands good, although in the possession of other persons holding under different titles. The petitioner further represents that in December, 1851, with the assistance of one of the clerks in the auditor's office, he made a thorough examination of the tax books on file, so far as necessary to trace the title to the lands aforesaid, and found that the taxes due on the said lands had been paid for the year in which they were forfeited to the state; and also that the state had regularly received taxes on said tracts of land, from and including the year of their forfeiture to the state, until the present; and on one of the tracts, the taxes were paid by two parties for several years; and praying for the passage of an act appropriating the sum of $56 39 for his relief, that being the amount paid to the auditor, exclusive of the officers' fees.

No. 159. In accordance with the above petition, Mr President, on leave, introduced a bill, to be entitled 'an act for the relief of George A. Worthen.'

Which was read a first time.

On motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr President, the rules of the senate were again dispensed with, and the bill read a third time.

The question being on the passage of the bill, Mr Izard, after debate, called for the yeas and nays, which being sustained were ordered:

Yeas.—Messrs Billingsley, Clarke, Fletcher, Harley, Hardison, Huey, Miller, Mitchell, Poindexter, Underhill and Mr President—11.

Nays.—Messrs Berry, Bozeman, Davidson, Ellis, Henson, Izard, Lemoyne and Rose—8.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined an act for the relief of Wm. A. Neely, of Poinsett, and authorize him to sell certain lands herein mentioned, and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Billingsley, senate bill No. 82, to be entitled 'an act revising the common school system in the state of Arkansas,' was taken up, and the amendments of the house of representatives thereto severally read and adopted.

On motion of Mr Miller, the joint resolution of the house of representatives, proposing to amend the constitution of the State of Arkansas, so as to authorize a reduction of Sebastian county to 600 square miles, and a population not less than the ratio of representation, was taken up, and read a second time.

It was ordered to a third reading on to-morrow, by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter and Underhill —19.

Nay.—Mr Rose—1.

On motion of Mr Ellis, the joint resolution of the senate, proposing to amend the constitution of the state, so as to reduce Poinsett and Green counties to 725 square miles, and the formation of a new county out of said counties, of like dimensions, was taken up, read a third time, and passed by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter and Underhill —19.

Nay.—Mr Rose—1.

On motion of Mr Davidson, the joint resolution of the senate, proposing to amend the constitution of the State of Arkansas, so as to authorize the reduction of Lawrence county to 725 square miles, &c., was taken up, read a third time, and passed by the following vote:

Yeas.—Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter and Underhill —19.

Nay.—Mr Rose—1.

Mr Poindexter, from the committee on ways and means, made the following

REPORT:

Mr President:

The committee on ways and means have instructed me to report the accompanying bill, and recommend its passage.

POINDEXTER, *Chairman.*

Which report was read and received.

No. 160. The bill accompanying it, to be entitled 'an act to repeal an act passed in the year 1851, under the head of state taxes, and for other purposes,' was read a first time.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

Mr Poindexter moved a further suspension of the rules, in order to read the bill a third time.

But, Mr Burrow objecting, Mr Poindexter withdrew his motion to suspend the rules, and allow the bill to lay on the table for the present.

On motion of Mr Huey, House bill No. 210, to be entitled 'an act for the relief of the deaf and dumb asylum, of Danville, Kentucky,' was taken up, and the amendments recommended by the committee on the judiciary read and adopted.

Mr Huey moved to strike out the word 'said,' in the 3d line of the 1st section.

Which motion prevailed.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill, as amended, read a third time, and passed.

On motion of Mr Berry, house bill No. 286, to be entitled 'an act supplementary to an act to incorporate the town of Bentonville,' was taken up, and read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Huey, house bill No. 310, to be entitled 'an act authorizing suits of ejectment to be instituted,' was taken up.

On motion of Mr Billingsley, it was referred to the committee on the judiciary.

On motion of Mr Underhill, house bill No. 280, to be entitled 'an act amendatory of existing laws regulating the landed interest of this state,' was taken up, and read a first time.

On motion of Mr Underhill, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Billingsley, the bill was referred to the committee on internal improvements.

On motion of Mr Lemoyne, house bill No. 154, to be entitled 'an act to incorporate the Louisville and Arkansas Mining and Marble Company,' was taken up, and read a first time.

On further motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Lemoyne, the rules of the senate were again dispensed with, the bill read a third time and passed.

Mr Fletcher introduced a bill, to be entitled 'an act to prevent the emancipation of slaves.'

Which was read a first time.

On motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Fletcher, the bill was referred to a select committee of five, consisting of Messrs Fletcher, Burrow, Huey, Davidson and Poindexter.

On motion of Mr Miller, house bill No. 296, to be entitled 'an act to exchange certain funds,' was taken up, and read a second time.

Mr Miller offered the following amendments:

Strike out, in the 1st section, the words '1st day of December,' and insert '1st day of April.'

Same—Strike out '1st day of November, and insert '1st day of April.'

Same—Strike out '10th day of December,' and insert 'on or before the day that said sheriff may by law be required to pay into the state treasury the revenue of this state.'

Provided, That nothing herein contained shall prevent the internal improvement commissioner from drawing the internal improvement fund for the year 1853.

Which amendments were read.

On motion of Mr Davidson, the bill and amendments were laid on the table indefinitely.

On motion of Mr Clarke, the joint resolution of the senate, requesting the several counties in the state to send delegates to a railroad convention, to meet in the city of Memphis, in May next, was taken up, read a second time, and adopted.

On motion of Mr Davidson, senate bill No. 118, to be entitled 'an act for the benefit of Bryant Kellett and James Dowell, of Lawrence county,' was taken up, the amendments of the house of representatives thereto read, and concurred in by the senate.

Mr Davidson, on leave, introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the Hon. Wm. B. Marshall, representative from the county of Lawrence, be, and he is hereby authorized to draw out of the treasury of the state, for, and on behalf of Bryant Kellett and James Dowell, the sum of one hundred dollars, which was appropriated to the said Kellett and Dowell, by an act passed at this session of the General Assembly, entitled 'an act for the benefit of Bryant Kellett and James Dowell, of Lawrence county,' and that he pay the same over to them; and that the said Wm. B. Marshall shall receipt to the treasurer for the same, which shall be a sufficient voucher to the treasurer, on account of the internal improvement fund.

Which was read a first time.

On motion of Mr Davidson, the rules of the senate were dispensed with, and the resolution read a second time, and adopted.

Mr Burrow moved a call of the senate, which being sustained, was ordered, when the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Maxwell, Miller, Mitchell, Poindexter and Rose—17.

Mr Burrow withdrew the further call of the senate.

No. 162. Mr Huey introduced a bill, to be entitled 'an act to incorporate the Merchants and Planters' Internal Improvement Company, at Camden.'

Which was read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Berry moved to take up the joint resolution of the house proposing to go ito an election for secretary of state, auditor of public accounts, state treasurer, and land attorney and state collector.

Pending which, Mr Burrow moved a call of the senate, which being sustained, the roll was called, and the following senators answered to their names:

Messrs Berry, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter and Rose—18.

The sergeant-at-arms was ordered to bring in the absentees, who, after a short absence, returned, and reported all the senators who were absent without leave, except Mr President.

Mr Underhill moved to suspend the call.

Mr Burrow objected, as the hour had not expired during which business had been suspended at the commencement of the call.

The chair having decided Mr Underhill's motion to be in order, the vote was taken on the suspension of the call, and it prevailed.

The question being upon the motion to take up the resolution, Mr Burrow called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Berry, Billingsley, Clarke, Ellis, Fletcher, Harley, Harrison, Henson, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Underhill—15.

Nays.—Messrs Berry, Bozeman, Davidson, Huey and Izard—5.

So the resolution was taken up.

Mr Mitchell called for the previous question.

The question, 'Shall the main question be now put?' was taken from the chair, and decided in the affirmative.

Before the reading of the resolution, Mr Burrow moved a call of the senate.

Which motion the chair decided to be out of order, as the senate had decided that the main question should be put, and until that was taken no other question or motion could be entertained.

From which decision Mr Burrow took an appeal to the senate.

The chair decided that Mr Burrow was out of order; when the resolution was read.

The question being on the adoption of the resolution, Mr Burrow called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Billingsley, Clarke, Ellis, Fletcher, Harrison, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Underhill—14.

Nays.—Messrs Burrow, Bozeman, Davidson, Harley, Henson, Huey and Izard—7.

So the resolution was adopted.

On motion of Mr Berry, the secretary was directed to inform the house of representatives of the action taken by the senate on the resolution.

On motion of Mr Izard, the senate took a recess until 2 o'clock.

At 2 o'clock the senate convened.

The roll was called by order of the President, and the following senators answered to their names:

Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter and Mr President—19.

Mr Harley, on leave, made the following

REPORT:

Mr President:

The select committee, to whom was referred house bill No. 312, to be entitled an act to adjust the title and provide for the sale of certain lands, granted to this state, contracted for by persons who have proved insolvent, or who have failed to comply with their contracts, have had the same under consideration, according to order, and have instructed me to report, that, existing laws are amply sufficient to protect the interests of the state, in relation to matters contemplated by said bill, and finding various objections to many of the provisions of the same, asked leave to report the bill back to the senate, with the recommendation that it do not pass.

B. C. HARLEY, *Chairman.*

Which report was read and received.

Mr Huey, on leave, introduced the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the attorney general be, and he is hereby, authorized and directed to dismiss the action at law now depending in the Pulaski circuit court, at the suit of the State of Arkansas, against the securities of the Samuel Adams, deceased, on his official bond as treasurer of this state; they, the said securities paying all the costs due on said suit at the time the same may be dismissed.

Resolved further, That the treasurer be, and he is hereqy authorized to receive the coupons due, and the bonds of the state to run to their maturity, deposited with him by the securities of the said Samuel Adams, as the treasurer of this state, on his official bond as such, in full payment and discharge of the amount claimed to be due the state, and included in the said suit by the first resolution above(?) written, authorized to be dismissed by the attorney general, as above.

Which was read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the resolution taken up an read a second time.

On motion of Mr Burrow, the resolution was referred to the committee on the judiciary, with instructions to report as soon as practicable.

No. 163. Mr Burrow introduced a bill, to be entitled 'an act to authorize the reception of state scrip in payment of debts due the internal improvement fund.'

Which was read a first time.

On motion of Mr Burrow, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Burrow, the bill was referred to the committee on ways and means.

On motion of Mr Huey, the report of the select committee, to whom was referred house bill No. 313, to be entitled 'an act to adjust the title and provide for the sale of certain lands granted to the state, contracted for by persons who have proved insolvent, or who have failed to comply with their contracts,' was taken up and read.

And on further motion motion of Mr Huey, the report was adopted.

On motion of Mr Billingsley, house bill No. 311, to be entitled 'an act to incorporate the Western Railroad Company,' was taken up and read a first time.

On further motion of Mr Billingsley, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Billingsley, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Huey, house bill No. 297, to be entitled 'an act to increase the common school fund of Prairie county,' was taken up and read a first time.

On motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Fletcher, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Poindexter, senate bill No. 156, to be entitled 'an act for the relief of James Trigg, *et al.*,' was taken up and read a third time.

On motion of Mr Harley, the bill was laid on the table for the present.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have adopted the following resolution.

Resolved, That the senate be informed that the house of representatives are now ready for the reception of the senate for the purpose of going into the election of secretary of state, auditor, treasurer and state collector.

J. H. HOBBS.
Clerk of the House.

The senate, then, on motion, proceeded to the hall of the house of representatives, and being seated: The President of the senate announced the object of the convention of the two houses of the

General Assembly to be for the purpose of electing a secretary of state, auditor of public accounts, state treasurer and land attorney and collector; and proclaimed that nominations for secretary of state were in order:

Whereupon, Mr Wood, of the house of representatives, nominated Robert A. Watkins, of Pulaski county.

And Mr Berry nominated David B. Greer, of Pulaski county.

No other nominations being made, the rolls were called; when it appeared that Robert A. Watkins had received 20 joint votes, and David B. Greer had received 62 votes, and Mr Redmond had one vote.

Those senators who voted for Robert A. Watkins, are

Messrs Billingsley, Clarke, Fletcher and Mitchell—4. House, 16—20.

Those senators who voted for David B. Greer, are

Messrs Berry, Bozeman, Burrow, Davidson, Ellis, Harley, Harrison, Henson, Izard, Lemoyne, Maxwell, Miller, Poindexter, Rose and Mr President—15. House, 47—62.

Whereupon, the Speaker proclaimed, that David B. Greer, having receive a majority of all the votes cast, was duly and constitutionally elected secretary of state, for and during the term prescribed by law.

The President announced that nominations for auditor of public accounts were in order:

Whereupon, Mr Lewis, of the house of representatives, nominated Christopher C. Danley.

No other nominations being made the rolls were called; when it appeared that C. C. Danley had received 19 votes in the senate and 63 votes in the house, making 82 joint votes; and Mr *Mills* had received one vote.

Those senators who voted for C. C. Danley, are

Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and President—19.

Whereupon, the Speaker proclaimed, that C. C. Danley having received a majority of all the votes given, was duly and constitutionally elected auditor of public accounts, for, and during the time prescribed by law.

Nominations for treasurer were in order:

Whereupon, Mr Quindley, of the house of representatives, nominated John H. Crease.

No other nominations being made the rolls were called; when it appeared that John H. Crease received, in the senate, 20 votes, and in the house of 54 votes, making 74 joint votes.

Mr Turner receided 5 votes.

Mr Norman received 1 vote.

Mr Campbell received 1 vote.

Mr Fagan received 1 vote;

And Mr Black received 1 vote.

Those members who voted for John H. Crease, are

Messrs Berry, Billingsley, Bozeman, Burrow, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—20.

Whereupon, the Speaker proclaimed, that John H. Crease, having received a majority of all the votes given, was duly and constitutionally elected treasurer of the State of Arkansas.

Mr Huey appeared within the bar of the house and took his seat in the convention; when he arose and stated, that he had been unavoidably away from the election, and asked permission to record his vote for secretary of state, auditor of public accounts and treasurer.

Leave being granted, Mr Huey voted for David B. Greer, for secretary of state, for C. C. Danley, for auditor of public accounts and for John H. Crease, for auditor,

Nominations for land attorney and state collector being in order, Mr Bevens, of the house of representatives, nominated John T. Trigg, of Pulaski county.

No other nominations being made, the rolls were called; when it appeared that John T. Trigg had received 76 joint votes;

Mr Bruton had received 2 votes;
Mr Barnett had received 1 vote;
Mr Totten had received 1 vote;
Mr Lewis had received 1 vote;
Mr J. A. Wilson had received 1 vote;
Mr B. F. Danley had received 1 vote;
And Mr Campbell had received 1 vote.

Those senators who voted for John T. Trigg, are

Messrs Berry, Billingsley, Bozeman, Burry, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—21.

Whereupon, the Speaker proclaimed, that John T. Trigg, having received a majority of all the votes given, was duly elected land attorney and state collector, for, and during the time prescribed by law.

The President then announced, that the object of the convention of the two houses of the General Assembly was now accomplished.

The senate then returned to their chamber.

On motion of Mr Poindexter, senate bill No. 156, to be entitled 'an act for the relief of James Trigg, *et al.*,' was taken up.

The question being on its final passage, Mr Poindexter called for the yeas and nays; which being sustained, the roll was called.

Yeas.—Messrs Berry, Bozeman, Ellis, Fletcher, Harrison, Izard, Lemoyne, Miller, Poindexter and Mr President—9.

Nays.—Messrs Burrow, Clarke, Davidson, Harley, Henson, Maxwell, Mitchell and Rose—8.

So the bill was passed.

On motion of Mr Davidson, house bill No. 265, to be entitled 'an act to incorporate the town of Powhattan, in Lawrence county,' was taken up and read a first.

On further motion of Mr Davidson, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Davidson, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Bozeman, house bill No. 268, to be entitled 'an act to authorize the clerk of the county and circuit courts of Montgomery county, to transcribe certain records in his office,' was taken up and read a first time.

Mr Berry was called to the chair.

On further motion of Mr Bozeman, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Bozeman, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have this day delivered to the governor for his approval, 'an act to incorporate the President and Trustees of the Lacy Male and Female Acaremy;' also, 'an act for the relief of Henderson P. Holmes;' also, 'an act for the relief of Wm. A. Neely, of Poinsett county, and to authorize him to sell certain lands, as guardian,' &c., and instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

No. 164. Mr Huey, on leave, introduced a bill, to be entitled 'an act to amend the law of attachment.'

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Huey, the bill was referred to the committee on the judiciary.

Message from the governor by R. H. Johnson, Esq., his excellency's private secretary.

Mr President:

I am instructed by the governor, to report to the senate, that on the 6th of January, 1853, he approved and signed, 'an act to grant to Wm. Carter and others, the privilege of building and keeping mill dams across Eleven Points river, in Randolph county, State of Arkansas;' 'an act to grant a charter to George W. Lemoyne for the purpose of erecting and building a toll bridge across Point Remove Creek, in Conway county, Arkansas;' and, 'an act to sell school lands;' 'an act to attach a portion of Conway county to the county of Pope, in this state;' 'an act to attach a part of the county of Pope to the county Yell, in this state;' and, 'an act to incorporate the Peoples' Insurance Company at Osceola.'

R. H. JOHNSON,
Private Secretary.

On motion of Mr Huey, senate bill No. 132, to be entitled 'an act to call in the scrip of Desha county,' was taken up, and the amendment of the house of representatives thereto, read, and concurred in by the senate.

On motion of Mr Harley, the substitute of the house of representatives for senate bill No. 135, to be entitled 'an act to pay clerks of the bank committees,' was taken up, and read a first time.

On further motion of Mr Harley, the rules of the senate were dispensed with, and the substitute read a second time,

On motion of Mr Huey, it was laid on the table for the present.

On motion of Mr Harrison, the senate took a recess, until 6 o'clock, P. M.

At 6 o'clock, P. M., the senate convened.

The roll was called by order of the chair.

Present—Messrs Berry, Bozeman, Burrow, Chapman, Davidson, Ellis, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Mr President—18.

On motion of Mr Izard, the senate resolved itself into committee of the whole, on the resolutions had under consideration yesterday evening.

Mr Berry in the chair.

After two and one-half hours spent therein, the committee arose, and, through their chairman, reported progress, and asked leave to sit again on Saturday evening, the 8th inst., at 6 1-2 o'clock.

On motion of Mr Harley, the senate adjourned.

THOMAS B. HANLEY, *President.*

* * *

Friday, Jan. 7th, 1853.

The senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Bozeman, Chapman, Davidson, Ellis, Harrison, Harley, Henson, Huey, Izard, Lemoyne Maxwell, Miller, Mitchell, Poindexter, Rose and Mr President—17.

Prayer by the Rev. Andrew Hunter.

Mr Izard was called to the chair.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house

of representatives have assented to senate bill No. 150, to be entitled 'an act to provide for assessing and taxing reclaimed swamp and overflowed lands;' also, to senate bill No. 157, entitled 'an act to declare Plum Bayou navigable;' also, to senate bill, to be entitled an act to incorporate the Merchants and Planters' Insurance Company, at Camden.'

The house of representatives have concurred in the joint resolution of the senate, in regard to instructing our delegation to use their influence to have certain territory attached to the Champagnolle land district, in this state; all of which are herewith returned.

The house of representatives have passed bill No. 266, to be entitled 'an act to regulate the distribution of the acts and journals of the General Assembly;' also, bill No. 98, to be entitled 'an act to define the lines between the counties of Pope and Newton;' also, bill No. 17, to be entitled 'an act in aid of deeds of conveyance by administrators, and others;' also, bill No. 213, to be entitled 'an act to amend the present law in relation to executions;' also, bill No. 323, to be entitled 'an act to attach a part of the county of Van Buren to the county of Pope;' all of which are herewith transmitted for the assent of the senate. which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house have adopted a resolution, instructing our senators and requesting our representative in Congress, to have the second land district office removed from Fayetteville, in this state, to Huntsville, in this state, and for other purposes; also, a resolution instructing our senators and requesting our representative in Congress, to use their influence to procure the establishment of a semi-weekly mail line of four horse post coaches, from Cape Giardeau, in the state of Missouri, through Jackson and Granville, in same state, Pocahontas, Jackson and Smithville, in Arkansas, to Batesville, Arkansas, through Searcy, Arkansas, to Little Rock, Arkansas,

J. H. HOBBS,
Clerk of the House.

Mr Mitchell from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined 'an act for the relief of Bryant Kellett and James Dowell, of Lawrence county;' also, 'an act to call in the scrip of Desha county,' and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

No. 165. Mr President, on leave, introduced a bill, to be entitled 'an act to incorporate the White river Mining Company.'

Which was read a first time.

On motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr President, the bill was referred to a select committee, consisting of Messrs Chapman, Davidson and Mitchell.

No. 166. Mr President, on leave, introduced a bill, to be entitled 'an act to incorporate the United Rock Mining Company.'

Which was read a first time.

On motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr President, the bill was referred to the committee to whom was referred the bill, to be entitled 'an act to incorporate the White river Mining Company.'

Mr President resumed the chair.

Mr Fletcher, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred senate bill No. 161, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

FLETCHER, *Chairman.*

On motion of Mr Fletcher, the bill accompanying the above report, to be entitled 'an act to prevent the emancipation of slaves,' was taken up, read a third time, and passed.

On motion of Mr Ellis, house bill No. 275, to be entitled 'an act to authorize the sale of the 16th sections for less than $2 per acre, in certain cases,' was taken up, and read a first time.

On further motion of Mr Ellis, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Ellis, the rules of the senate were again dispensed with, and the bill read a third time.

Mr Chapman moved to lay the bill on the table indefinitely.

On which motion, Mr Ellis called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Bozeman, Chapman, Harley, Mitchell and Rose —5.

Nays.—Messrs Berry, Clarke, Davidson, Ellis, Fletcher, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Underhill and Mr President—14.

So the motion to lay the bill on the table did not prevail.

The question was then taken, and the bill passed.

Message from the governor, by Richard H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the senate, that on the 6th January, 1853, he approved and signed 'an act for the relief of William A. Neely, of Poinsett county, and to authorize him to sell certain lands, as guardian, &c.;' 'an act for the relief of Henderson P. Holmes;' and, 'an act to incorporate the president and trustees of the Lacy Male and Female Academy.'

R. H. JOHNSON,
Private Secretary.

On motion of Mr Bozeman, house bill No. 222, to be entitled 'an act to constitute Frances Spence a *feme sole*,' was taken up, and read a third time.

On motion of Mr Davidson, the bill was laid on the table until the 4th day of July next.

On motion of Mr Harley, house bill No. 318, to be entitled 'an act to incorporate the Mississippi Valley Railroad Company,' was taken up, and read a first time.

On further motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Underhill, the bill was referred to the committee on internal improvements.

On motion of Mr Clarke, the joint resolution of the house of representatives, proposing to amend the constitution of the state, so as to authorize Sebastian county to be reduced to 600 square miles, and a population not less than the ratio of representation, was taken up, read a third time, and concurred in, by the following vote:

Yeas.—Messrs Berry, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Underhill and Mr President—18.

Nay.—Mr Rose—1.

Message from the house of representatives by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act repealing, in part, an act entitled an act to grant corporate powers for certain purposes;' 'an act to amend an act entitled an act to incorporate the town of Warren, in Bradley county, Arkansas;' 'an act to blend all the school funds of Arkansas county, and of White county, in support of common schools;' 'an act to establish in the town of Batesville, an institution for the promotion of fine arts, &c.;' 'an act to authorize the clerks of the circuit courts of Marion and Searcy counties to transcribe certain records of their offices;' and, 'an act to incorporate Makemic College.'

J. H. HOBBS,
Clerk of the House.

On motion of Mr Mitchell, house bill No. 98, to be entitled 'an act to define the lines between the counties of Pope and Newton,' was taken up, and read a first time.

On further motion of Mr Mitchell, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Mitchell, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Lemoyne, house bill No. 320, to be entitled 'an act to transfer the settlement of the accounts and guardianship of David W. Moore from the county of Crawford to the county of Washington,' was taken up, and read a first time.

On further motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Lemoyne, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Fletcher, house bill No. 321, to be entitled 'an act amendatory of the charter of the city of Little Rock,' was taken up, and read a first time.

On further motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Fletcher, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Berry, the joint resolution of the house of representatives, instructing our senators, and requesting our representative in Congress, to use their influence to procure the removal of the land office, at the town of Fayetteville, Arkansas, to Huntsville, Arkansas,' was taken up, and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, the resolution taken up, read a second time, and concurred in by the senate.

On motion of Mr Izard, senate bill No. 128, to be entitled 'an act to create a board of internal improvement in the State of Arkansas, and for other purposes,' was taken up.

Mr Izard moved that the senate resolve itself into committee of the whole on said bill.

Which motion was lost.

Mr Harley moved the indefinite postponement of the bill.

Mr Rose was called to the chair.

The motion of Mr Harley was debated at length by Messrs Izard, Clarke and Mr President.

At the conclusion of which, Mr Izard called for the yeas and nays, on the motion to indefinitely postpone said bill; which being sustained were ordered.

Yeas.—Messrs Berry, Chapman, Clarke, Ellis, Harley, Henson, Huey, Maxwell, Miller, Mitchell and Mr President—11.

Nays.—Messrs Bozeman, Burrow, Fletcher, Harrison, Izard and Rose—6.

So the bill was indefinitely postponed.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed house bill No. 306, to be entitled 'an act making appropriations for the years, 1852, 1853 and 1854,' Which is herewith transmitted for the assent of your honorable body; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Henson, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred the bill granting a charter to James E. M. Barkman, to build a toll bridge across Bayou De Roache, in Hot Spring county, where the Military Road crosses said Bayou De Roache, have had the same under consideration, and the majority of the committee have instructed me to report the bill back, and recommend its passage.

HENSON, *Chairman.*

Which report was read and received.

Mr Henson, from the same committee, made the following

MINORITY REPORT:

Mr President:

The minority would beg leave to differ with the majority, and recommend the passage of the bill with the following amendment, by striking out section 6, and insert the following in lieu thereof:

HENSON, *Chairman.*

Sec. 6. *Be it further enacted*, That nothing in this act shall be so construed as to authorize the said Barkman to stop up said Military Road where the same crosses the Bayou De Roache; but the same shall be kept open for crossing as the law now directs.

Which report was read and received.

Mr Henson moved the adoption of the minority report.

Upon which motion, Mr Bozeman called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Chapman, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Miller, Mitchell, Rose, Underhill and Mr President—15.

Nays.—Messrs Bozeman, Clarke, Lemoyne and Maxwell—4.

So the minority report was adopted.

On motion of Mr Berry, house bill No. 266, to be entitled 'an act to regulate the distribution of the acts and journals of the General Assembly,' was taken up, and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Berry, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Henson, house bill No. 142, to be entitled 'an act granting a charter to James E. M. Barkman, for the purpose of building a bridge across Bayou De Roche,' was taken up.

Mr Bozeman moved to amend the bill, by doubling the toll therein mentioned.

Which motion was lost.

On motion of Mr Henson, the rules of the senate were dispensed with, the bill, as amended, read a third time, and passed.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a joint resolution, relative to the securities of Samuel Adams, late treasurer of the state; have considered thereof, and direct me to report the same back to the senate, and recommend its passage.

Your committee believe that the passage of the resolution will release the state from the necessity of prosecuting a fictitious lawsuit, in which she will, most probably, be beaten.

Your committee believe also, that good faith requires the state to accept the tender which has been made, in payment of the demands against the securities.

BURROW, *Chairman.*

Which report was read and received.

On motion of Mr Burrow, the rules of the senate were dispensed with, the resolution accompanying the above report taken up, read and adopted, and transmitted to the house of representatives for their concurrence.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill, authorizing actions in ejectment, to be brought on patent certificates, issued by the recorder of land titles for Missouri territory, have had the same under consideration, and beg leave to report, that upon an examination of the statutes of this state, we find that actions in ejectment may be brought upon entries with the register and receiver, and upon pre-emption rights, but making no provision for actions to be brought upon entries or patent certificates, obtained before the recorder of land titles; and, therefore, parties who make entries of that kind are left without remedies. By the statute law of the State of Missouri, (of which Arkansas was originally a part), entries made by virtue of New Madrid Claims are placed upon like footing with other claims of equal dignity.

The committee perceive nothing but justice and fair dealing in the passage of the law, and therefore recommend its adoption.

We beg leave further, to remark, that in consequence of the fact, that but very few of the New Madrid certificates were located in this part of the then territory of Missouri, and most of those patented; there has been, therefore, no necessity for the passage of the law under consideration.

BURROW, *Chairman.*

Which report was read and and received.

Mr Burrow moved the adoption of the report.

Mr Harrison objected.

After debate, Mr Clarke moved to lay the report on the table for the present.

Which motion prevailed.

On motion of Mr Huey, house bill No. 283, to be entitled an act for the benefit of persons in Lafayette and Jefferson counties, Arkansas,' was taken up, and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

Mr Huey moved to amend the bill, by striking out the word, 'and,' after the word, 'Lafayette,' and inserting, after the word, 'Jefferson,' the words, 'Calhoun and Ouachita.'

Which motion prevailed.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill as amended, read a third time, and passed.

Mr Lemoyne, on leave, made the following report, from the committee on banks:

Mr President:

The committee on banks, to whom was referred the bill of the senate, entitled 'an act to extend the act putting the state bank in liquidation,' have had the same under consideration, and have instructed me to report, that they recommend the following amendments, to-wit:

In the tenth line, by striking out the word, 'four,' and insert in lieu thereof, the word, two.' And in the 19th line, by striking out the word, 'four,' and inserting in lieu thereof, the word, 'two.'—

And in case said amendments are adopted to recommend its passage.

All of which is respectfully submitted; and your committee ask to be discharged from the further consideration of the subject.

LEMOYNE, *Chairman.*

Which report was read and received.

On motion of Mr Lemoyne, the rules of the senate were dispensed with, and senate bill No. 148, to be entitled 'an act to extend the act putting the state bank in liquidation,' accompanying the above report, was taken up.

The amendments proposed by the committee on banks, were severally read, and on motion of Mr Lemoyne, adopted.

On motion of Mr President, the rules of the senate were dispensed with, the bill as amended, read a third time.

The question, 'Shall the bill pass?' was stated from the chair, and debated at length by Mr President and Mr Burrow.

At its conclusion, Mr President called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Bozeman, Chapman, Clarke, Ellis, Hanley, Harrison, Henson, Lemoyne, Miller, Mitchell, Rose and Mr President—13.

Nays.—Burrow, Davidson, Fletcher, Huey, Izard and Maxwell —6.

So the bill passed.

On motion of Mr Clarke, the vote taken yesterday on the adoption of the report of the select committee, to whom was referred house bill 313, to be entitled 'an act to adjust the title and provide for the sale of certain land belonging to this state, contracted for by persons who have proved insolvent, or who have failed to comply with, their contracts,' was reconsidered.

And on further motion of Mr Clarke, the bill was referred to a select committee, consisting of Messrs Harrison, Chapman and Harley.

On motion of Mr Harrison, senate bill No. 134, to be entitled 'an act to authorize and allow foreign guardians to remove from this state, the property of their wards,' was taken up, read a third time, and passed.

Mr Huey, on leave, presented the memorial of Franklin DeShongh, praying an investigation into the circumstances under which he drew mileage and per diem on the 24th day of December, 1852, as a member of the senate.

Which memorial was read, and on motion of Mr Chapman, referred to a select committee of five, consisting of Messrs Chapman, Harley, Fletcher, Miller and Mitchell.

Mr Burrow, on leave, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on judiciary, to whom was referred, a bill to be entitled 'an act to amend the law of attachment,' have considered thereof, and advise me to return the same to the senate without amendment, and recommend its enactment.

BURROW, *Chairman*.

Which report was read and received.

On motion of Mr President, the secretary was instructed to prepare a copy of the resolution, containing the charges against Franklin DeShongh, in order that the committee, appointed to investigate said charges, might serve him with a copy.

On motion of Mr Mitchell, Mr Davidson was added to the committee on enrolled bills.

On motion of Mr Harley, the senate adjourned.

THOMAS B. HANLEY, *President*.

Saturday, Jan. 8th, 1853.

The senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Bozeman, Burrow, Chapman, Davidson, Ellis, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose, Underhill and Mr President—19.

Prayer by A. R. Winfield, chaplain

The journal of yesterday (Friday) was read and approved.

Mr Berry, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined, 'an act revising the common school system in the State of Arkansas,' and have instructed me to report the same correctly enrolled.

BERRY,
One of the Committee.

On motion of Mr Harley, the joint resolution of the house of representatives, proposing to adjourn *sine die*, on Monday, January the 10th, 1853, was taken up and read a first time.

Mr Harley moved that the rules of the senate be dispensed with, and the resolution taken up for a second reading, and adoption.

Upon which motion Mr Burrow called for the yeas and nays; which being sustained, the roll was called.

Yeas.—Messrs Berry, Chapman, Davidson, Harley, Harrison, Henson, Izard, Miller, Mitchell, Poindexter, Rose and Mr President—12.

Nays.—Messrs Bozeman, Burrow, Clarke, Huey, Lemoyne, Maxwell and Underhill—7.

So the rules were not suspended, as two thirds of the senators did not vote in the affirmative.

No. 167. Mr Henson, on leave, introduced a bill, to be entitled 'an act for the relief of William K. English and Finus Leeck.'

Which was read a first time.

Mr Clarke was called to the chair.

On motion of Mr Henson, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Henson, the bill was referred to a select committee, consisting of Messrs Henson, Izard and Rose.

On motion of Mr Rose, house bill No. 391, to be entitled 'an act to take the sense of the qualified voters of the state for and against a convention to modify the constitution of the state,' was taken up, and read a second time.

Mr Harley moved to lay the bill on the table until the 4th day of July next.

On which motion, Mr Rose called for the yeas and nays, which being sustained, were ordered;

Yeas.—Messrs Berry, Chapman, Harley, and Henson—4.

Nays.—Messrs Bozeman, Burrow, Clarke, Davidson, Ellis, Harrison, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Mr President—15.

So the motion to lay the bill on the table was lost.

On motion of Mr Rose the rules of the senate were dispensed with, and the bill read a third time.

The question being on the final passage of the bill, Mr Rose called for the yeas and nays, which being sustaind, were ordered:

Yeas.—Messrs Berry, Bozeman, Burrow, Clarke, Davidson, Ellis, Harrison, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Poindexter, Rose and Mr President—16.

Nays.—Messrs Chapman, Harley and Henson—3.

So the bill was passed.

Message from the governor, by Richard H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the senate, that on the 7th day of January, 1853, he approved and signed 'an act for the benefit of Bryant Kellett and James Dowell, of Lawrence county,' and 'an act to call in the scrip of Desha county.'

R. H. JOHNSON,
Private Secretary.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act to provide more fully for the incorporation of the city of Fort Smith.'

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 106, to be entitled 'an act to incorporate the Arkansas Mining, Manufacturing and Chemical Company;' also, to senate bill No. 119, to be entitled 'an act to prevent persons from selling spirituous liquors to slaves, and other purposes;' also, to senate bill No. 129, to be entitled 'an act to incorporate the Memphis and Little Rock Plank or Rail Road Company,' with an amendment thereto, in which your honorable body is respectfully asked to concur; also, to senate bill No. 139, to be entitled 'an act for the relief of the estate of George Handy, deceased;' all of which are herewith returned.

The house of representatives have concurred in the amendment of the senate to house bill No. 283, to be entitled 'an act for the benefit of jurors in the counties of Lafayette, Jefferson and Arkansas.'

The house have passed bill No. 95, to be entitled 'an act to repeal section 11, of chapter 159, of the Digest of the statutes, concerning taverns and groceries;' also, bill No. 185, to be entitled 'an act to amend an act passed at the last General Assembly, granting a charter to George W. Robertson and Blake Little, to erect toll bridges on the Batesville road;' also, bill No. 293, to be entitled 'an act for the benefit of John Steel;' also, bill No. 324, to be entitled 'an act to dispose of certain real estate belonging to the state of Arkansas;' bill No. 326, to be entitled 'an act for the benefit of A. C. Cowen and Daniel E. Williams;' also, bill No. 328, to be entitled 'an act to sell certain school books;' also, bill No. 329, to be entitled 'an act to authorize Elender Watkins, of Conway county, to sell certain real estate;' all of which are herewith transmitted for the assent of the senate, which is respectfully solicited.

The house of representatives have adopted a joint resolution, respectfully inviting the attention of our delegation in Congress to a due consideration of the interest of this state, in co-operating with the delegation in Congress from the states of Missouri and Louisiana, in carrying into effect the object of the memorial to Congress, drawn by Messrs L. M. Kennett, A. B. Chambers, L. D. Norris, Y. C. Johnson and W. J. McIlhenry, in regard to internal improvement projects; also, a joint resolution, instructing our senators to use all honorable exertions to procure the passage of the house bill giving a homestead of 160 acres of land to each head of a family who may settle on the same, which passed the house at the last session of Congress; both of which are herewith transmitted for the concurrence of the senate.

The house of representatives have concurred in the joint resolution of the senate, authorizing the Hon. W. B. Marshall, representative from the county of Lawrence, to draw out of the treasury certain moneys, for and in behalf of Bryant Kellett and James Dowell; which is herewith returned.

The house of representatives have passed bill No. 330, to be entitled 'an act supplementary to an act to establish, in the town of Batesville, an institution for the promotion of the fine arts, &c.;' which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

J. H. HOBBS
Clerk of the House.

On motion of Mr Rose, senate bill No. 52, to be entitled 'an act to strike from the list of taxable property horses and neat cattle, and to increase the revenue of the state,' was taken up, and read a third time.

The question being on the passage of the bill, Mr Rose called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Berry, Bozeman, Burrow, Chapman, Ellis, Harley, Harrison, Henson, Huey, Lemoyne, Miller, Poindexter and Mr President—13.

So the bill was lost.

Mr Mitchell, from the committee on enrolled bills made the following

REPORT:

Mr. President:

The committee on enrolled bills have examined 'an act to incorporate the Merchants' and Planters' Insurance company, at Camden,' and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL *Chairman.*

On motion of Mr Huey, senate bill No. 163, to be entitled 'an act to authorize the reception of state scrip in payment for debts due the internal improvement fund,' was taken up, and read a third time.

The question being on the passage of the bill, Mr Harrison called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Bozeman, Burrow, Chapman, Clarke, Ellis, Henson, Huey, Lemoyne, Poindexter and Rose—10.

Nays.—Messrs Berry, Harley, Harrison, Izard, Maxwell, Miller and Mitchell—7.

So the bill passed.

On motion of Mr Berry, the resolution of the house of representatives, instructing our senators in Congress to use all honorable means to procure the passage of the bill through the senate, that passed the house of representatives at the last session of Congress, was taken up, and read a first time.

Mr Huey moved to amend the resolution, by striking out the word 'honorable,' and inserting 'best.'

But, at the request of senators, he withdrew his motion.

When, on motion of Mr Berry, the rules of the senate were dispensed with, the resolution read a second time, and concurred in by the senate.

On motion of Mr Poindexter, house bill No. 326, to be entitled 'an act for the benefit of A. C. Owen and Daniel E. Williams,' was taken up, and read a first time.

On further motion of Mr Poindexter, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Poindexter, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Poindexter, from the committee on ways and means, made the following

REPORT:

Mr President:

The committee on ways and means, to whom the bill, entitled 'an act to authorize the reception of state scrip in payment of debts due the internal improvement fund,' was referred, have instructed me to report the same, and recommend its passage.

POINDEXTER, *Chairman.*

Which report was read and received.

Mr Berry moved to lay the report, together with the bill, on the table.

Which motion, upon a division, was lost.

On motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a third time.

The question being on the passage of the bill, Mr Davidson called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Bozeman, Burrow, Clarke, Fletcher, Harley, Huey, Izard, Lemoyne, Poindexter and Rose—10.

Nays.—Messrs Berry, Chapman, Davidson, Ellis, Harrison, Henson, Maxwell, Miller and Mitchell—9.

So the bill was passed.

On motion of Mr Lemoyne, House bill No. 293, to be entitled 'an act for the benefit of John Steel,' was taken up, and read a first time.

On further motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill read a second time.

Mr Burrow moved a further suspension of the rules, in order that the bill might be read a third time.

Which motion was lost.

On motion of Mr Chapman, house bill No. 330, to be entitled 'an act supplementary to an act to establish, in the town of Batesville, an institution for the promotion of the fine arts, &c.,' was taken up, and read a first time.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr. Chapman, the rules of the senate were dispensed with, the bill read a third time, and passed.

On motion of Mr Izard, leave of absence was granted Mr Poindexter, for an indefinite period of time.

Mr Chapman, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred senate bill No. 165, entitled 'an act to incorporate the United Rock Mining Company,' and senate bill No. 164, 'to incorporate the White river Mining Company,' have had the same under consideration, and instruct me to report the same back to the senate, without amendment, and respectfully ask their passage.

CHAPMAN, *Chairman.*

Which report was read and received.

On motion of Mr Berry, senate bill No. 165, to be entitled 'an act to incorporate the United Rock Mining Company,' was taken up, read a third time, and passed.

On motion of Mr Harley, leave of absence was granted Mr Underhill, on account of the indisposition of his family.

On motion of Mr Davidson, the vote taken on yesterday on house bill No. 222, to be entitled 'an act to constitute Frances Spence a *feme sole*,' was reconsidered.

The question being on its passage, Mr Bozeman called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Bozeman, Burrow, Chapman, Clarke, Ellis, Fletcher, Harley, Huey, Lemoyne and Miller—10.

Nays.—Messrs Berry, Davidson, Harrison, Henson, Maxwell, Mitchell and Rose—7.

So the bill was passed.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill, to be entitled 'an act to amend the law, under the head of limitation,' have considered of the same, and direct me to report the bill to the senate, and advise its rejection.

A great part of the soil of the State of Arkansas has for years been owned by persons who live beyond the limits of the state, and have not had the interest of the state at heart. Republican policy requires that the soil should belong to those who reside upon it, and this statute was designed to compel the non-resident owners of soil to reside in the country, or visit it frequently, and look after their interest, in person, or by agent, or otherwise to transfer the property to those who are willing to identify their fortunes with our own, and cultivate the soil, and develope the resources of the country.

Your committee are unwilling to legislate for the benefit of a class of non-residents, who have heaped misfortune on our state to a greater extent than the non-resident land holders of Ireland have upon that queen of the sea. BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committee on the judiciary, made the following

REPORT:

Mr President:

The committee on the judiciary, to whom was referred a bill, to be entitled 'an act for the relief of Minor Wallace,' have inquired into the facts connected therewith, and direct me to report the bill back to the senate, without amendment, and advise its enactment.

BURROW, *Chairman.*

Which report was read and received.

Mr Burrow, from the committee on federal relations, made the following

REPORT:

Mr President:

The committee on federal relations, to whom was referred a resolution passed by the house, relative to 'the grant of one hundred and sixty acres of land to each actual settler, by the Congress of the United States,' have considered thereof, and direct me to report to the senate a substitute for the original, and recommend its adoption.

BURROW, *Chairman.*

Which report was read and received.

Resolved by the General Assembly of the State of Arkansas, That our representative in Congress be requested, and our senators instructed, to use their influence to secure the passage through Congress of the homestead bill, or act granting one hundred and sixty acres of land to each actual settler on the public lands.

Resolved further, That the said delegation be requested to consider the bills pending in Congress, for grants of lands for the construction of railroads in Arkansas, as involving an interest paramount to that involved in the bill referred to in the first resolution in this series.

Resolved farther, That a copy of these resolutions be transmitted by the secretary of state to each of our delegation in the federal Congress.

Which substitute was read a first time.

Mr Harrison, from the committee on the judiciary, made the following

REPORT:

Mr President:

As one of the committee on the judiciary, to whom was referred house bill No. 310, entitled 'an act authorizing suits of ejectment to be instituted,' &c., and differing in opining with the majority, I respectfully beg leave to present to the consideration of the senate my objections to the passage of said bill.

The rules of the common law and the statutes of the state, make sufficient provisions, I conceive, for the maintenance of the action of ejectment in all cases where such a remedy may, with propriety and justice, be afforded. Section 1st of chapter 60, of the Digest, under the head of Ejectment, says, 'the action of ejectment may be maintained in all cases where the plaintiff is legally entitled to the possession of the premises.' This is but in affirmance with the common law, and is certainly broad enough to embrace the case of the patent certificates, referred to in the bill, if they legally entitle the holders thereof to the possession of the premises. The second section of the same chapter declares, that, 'the action of ejectment may also be maintained in all cases where the plaintiff claims the possession of the premises, under or by virtue of; 1st, An entry made with the register and receiver of the proper land office of the United States; 2d, A pre-emption right under the laws of the United States;' 3d, Where an improvement has been made by him on any of the public lands of the United States, whether the lands have been surveyed or not, and where any person other than those to whom the rights on action is given by the preceding clauses of this section, is in possession of such improvement. The first class of cases mentioned in this section, is where the plaintiff claims, under, and by virtue of an entry made with the registor and receiver of the land office of the United States; and the second is where he has a pre-emption right. The evidence in both cases, conclusively shows, that he has acquired a title to the possession of the premises, from the United States—the original proprietor; and the defendant to defeat the *prima facia* title to the possession such evidence affords, must show that the plaintiff has assigned or parted with his right. But do these patent certificates afford that *prima fucia* evidence of title? Do they afford the evidence that the United States have ever parted with the title? If so, the action is maintainable under the first section, and at common law, and the party in possession has no right, either at common law, or under the statutes. But, I insist they furnish neither a legal or moral evidence of that fact. These certificates or New Madrid locations, as they are commonly called, referred to in the bill, were granted under the act of Congress of 17th February, 1817, giving the land owners, injured by earthquakes, at that place, the right to locate other lands, the sale of which was then authorized by law. The most, if not all the locations made in this state, (except such as were located south of the Arkansas, where the lands were at the time of the passage of the act, in the possession of the Quapaw Indians, which title was not extinguished until the year after), have long since been patented. In 1836 the attorney general of the United States, decided that lands to which the Indian title had not been extinguished at the date of the act, could not be held under the pre-emption act of 1814; and as the phraseology of that act was the same as the New Madrid act of 1817, the land department of Washington have ever since, or at least, since 1838, uniformly treated all New Madrid locations south of the Arkansas river, as void, and refused to issue patents on them. The land on which the capital of this state stands, was at an early day, say in 1820, located by New Madrid claims; but in 1837, the executive department held them, for the reason above stated, to be void, and issued patents under junior claims; so the lands including the Hot Springs, in this state, were located by a New Madrid claim more than thirty years ago; but the United States' authorities have always refused to issue a patent upon it, and have recently authorized an entry to be made under another claim:

Consinering then, that these locations are treated by the heads of the United States' land department as void, it would be, to say the least, impolitic, as tending to injustice, if not a useless and nugatory act for this body to attempt to raise them to the dignity of legal titles.

Again, all these locations must have been made more than a quarter of a century ago; and the fact, that patents have not, as yet, been issued, ought to be a strong circumstance against the passage of this law.

Another insuperable objection to this bill, is, that it overturns a firmly settled and just rule, governing all actions of ejectment: which is, that possession is *prima facia* evidence of title, that he who seeks to dispossess another of lands, must recover, on the strength of his own title, and not upon the weakness of his adversaries;' and that a party in possession can defend himself by showing better title in another person. Now, according to this bill, all that a party, sueing upon such a certificate, would have to show, is, that the defendant, though in possession, has not a better title, and the person in possession would be deprived of the right of showing that some other person had a better title, and that the plaintiff was not the true owner.

The rule I have laid down is not peculiar to the action of ejectment, but is universal, and applies to all actions. Thus it will be seen that this bill would change the whole system of law. It is a universal rule, that a party in possession of property of any kind, cannot be required to yield possession, or pay money, in his hands to any person other than the true owner, and is at liberty, for his own protection, to show title in another to the thing claimed.

This bill applies to all New Madrid claims, whether they are legal or have been properly located or not.

W. M. HARRISON,
One of the Committee.

Which report was read and received.

Mr Chapman, fron the committee on education, made the following

REPORT:

Mr President:

The committee on education, to whom was referred house bill No. 156, entitled 'an act to dispose of the 16th sections in Searcy county,' have had the same under consideration, and ask leave to report the bill back to the senate with several amendments, and recommend its passage.

CHAPMAN, *Chairman.*

Amend section 9, after the word, 'find;' 'and the county court of Searcy county shall, at their July term, annually, make an order dividing the interests accruing from the school fund, among the different townships, agreeable to the amount that each township has upon interest, in strict accordance with the compact between the United States and this state; and the treasurer is hereby required, under such order, to pay the amount so specified, and set forth in such order; but under no circumstance, shall any part of the principal of said fund be used for any purpose whatever; nor shall an order be made to pay the interest to any township, until said township shall have elected three trustees, as provided for by chapter 145, and sections 5 and 9 of English's Digest.

And be it further enacted, That the county court aforesaid, shall particularly guard the school funds of the county, and take such bonds and securities from the treasurer as to make the same perfectly safe; and it is hereby declared, that the treasurer shall be liable upon his official bond for the school fund of said county.

Amend 3d section by striking out, 'ten,' and inserting, 'four.'

Which amendments were adopted, on motion of Mr Berry.

On motion of Mr Huey, the substitute of the house of representatives for senate bill No. 135, to be entitled 'an act to pay the clerks of the bank committees,' was taken up.

Mr Henson offered the following amendments:

Amend, by striking out, 'five,' and inserting, 'three.'

Amend, by striking out, 'six,' and inserting, 'five.'

Which amendments were decided out of order, as the bill had been read a third time, and was now on its final passage.

The question being on the final passage of the bill, Mr Davidson called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Berry, Bozeman, Burrow, Chapman, Clarke, Fletcher, Harley, Huey, Izard, Lemoyne, Miller and Rose—12.

Nays.—Messrs Davidson, Ellis, Harrison, Henson, Maxwell and Mitchell—6.

So the bill was passed.

On motion of Mr Berry, house bill No. 156, to be entitled 'an act to dispose of the 16th section of land, in the county of Searcy,' was taken up.

The amendments reported by the committee on education, were read and adopted.

On motion of Mr Berry, the rules of the senate were dispensed with, the bill, as amended, read a third time, and passed.

On motion of Mr Harley, senate bill No. 160, to be entitled 'an act to repeal an act passed in the year 1851, under the head of State Taxes, and other purposes,' taken up, and read a third time.

Mr Rose offered the following as a substitute for said bill:

A bill to be entitled 'an act amending the Revenue Laws of the State.'

Sec. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the minimum price of three dollars per acre, fixed upon in the valuation of lands for taxation, be, and is hereby, stricken from the revenue acts of the state, and that hereafter, the assessors be required to assess lands at their true value, as in cases of other property.

Sec. 2. That an act entitled an act to amend the second section of chapter one hundred and thirty-nine, of the Digest of the statutes of this state, under the head of Revenue, approved January 11th, 1851, be, and the same is hereby, revived, and declared in full force; and that this act shall be in force from and after its passage.

Which substitute was read, and decided by the chair to be out of order, as the bill was on its final passage.

Mr Rose then moved to amend the bill, by stricking out, 'this,' in the first section, and inserting in lieu thereof, the words, 'the State of Arkansas.'

Which motion prevailed.

Mr Rose offered the following amendment by way of rider:

Amend, by inserting after the word, ‘force,’ ‘and that the proviso in section 14th, in said chapter one hundred and thirty-nine, is hereby repealed.

Mr Harley moved to lay the amendment on the table.

On which motion Mr Rose called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Bozeman, Fletcher, Harley, Harrison, Izard, Maxwell and Miller—7.

Nays.—Messrs Berry, Burrow, Chapman, Clarke, Davidson, Ellis, Henson, Huey, Lemoyne, Mitchell and Rose—11.

So the motion to lay the amendment on the table was lost.

Mr Lemoyne moved a call of the senate; which being sustained, the roll was called.

Present—Messrs Berry, Bozeman, Burrow, Chapman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose and Mr President—19.

Mr Lemoyne withdrew the call.

The question being on the adoption of the amedment, Mr Izard called for the yeas and nays; which being sustained were ordered.

Yeas.—Messrs Chapman, Clarke, Lemoyne, Maxwell, Miller, Mitchell, Rose and Mr President—8.

Nays.—Messrs Berry, Bozeman, Burrow, Davidson, Ellis, Harley, Harrison, Henson Huey and Izard—11.

So the bill was lost.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed a bill to be entitled ‘an act to regulate the sale of the 500,000 grant of lands.’

Which is herewith transmitted for the assent of your honorable body; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Message from the House of Representatives by the clerk:

Mr President:

I am instructed to inform your honorable body; that the house have assented to senate bill ——, to be entitled ‘an act for the building of a stone wall around the penitentiary house of this state,’ with sundry amendments thereto; to which the concurrence of the senate is respectfully asked.

The house have concurred in senate amendment to house bill ——, to be entitled ‘an act for the relief of the deaf and dumb asylum, in Danville, Kentucky.’

J. H. HOBBS,
Clerk of the House.

On motion of Mr Harley, the amendments of the house of representatives to senate bill No. 138, to be entitled ‘an act to provide for the building of a stone wall around the penitentiary house of this state,' were taken up, read, and concurred in by the senate.

On motion of Mr Berry, the joint resolution of the house of representatives, instructing our senators and requesting our representative in Congress, to use their influence to procure the passage of a law, granting to Andrew B. Baker, and each of his triplett sons, a quarter section of land each, to be located upon any of the public land of the United States, unsold in the State of Arkansas, was taken up, and read a first time.

Mr Maxwell moved to amend, by adding the following:

Be it further resolved, That our senators in Congress be, and they are hereby instructed, and our representative requested, to use their joint efforts to obtain from Congress similar donations to all other children born three at a birth, within the limits of the State of Arkansas:

Which was read.

Mr Huey moved to lay the resolution and amendment on the table indefinitely.

After explanation, and before the question was put, Mr Huey withdrew his motion.

Mr Davidson offered the following amendment to the amendment:

And whereas, B. H. Johnson, of Fulton county, had born to him, in the space of 11 months, 5 sons: Therefore,

Be it resolved, That each of said sons have the benefit of this resolution.

Mr Harley moved to lay the resolution and amendments on the table.

Which motion was lost.

The amendment to the amendment was then read and adopted, and the amendment, as amended, read and adopted.

The resolution, as amended, was then read, and concurred in by the senate.

On motion of Mr Harley, house bill No. 332, to be entitled 'an act to regulate the sale of the 500,000 acre grant of land,' was taken up, and read a first time.

On further motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Harley, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Davidson, the amendments of the house of representatives to senate bill No. 129, to be entitled 'an act to incorporate the Memphis and Little Rock Plank or Rail Road Company,' were taken up, read, and concurred in by the senate.

Mr Chapman, from a select committee, made the following

REPORT:

Mr President:

The select committee to whom was referred the resolution of the senate, charging the Hon. Franklin DeShongh with having fraudulently drawn from the state treasury, on the 24th December ult., the sum of $75, as mileage, from the capitol to his residence, have had the same under consideration, and instruct me to report the following:

That, at 3 o'clock, on the 7th inst., your committee, by previous agreement, met in the senate chamber, and proceeded at once to give the said DeShongh notice of the pendency of said inquiry before them, and suggested to him that it was his right to appear before said committee by himself and his counsel, to make his defence to said charge, and thereupon the committee appointed at half after 3 o'clock for the time when said DeShongh should appear; and the hour having arrived, the said DeShongh, in his own proper person, and also by his attorney and counsel, Col. A. Fowler, appeared, and the said DeShongh having heard the charge read to him, said he was ready and willing to proceed with the inquiry and investigation. The committee having before that time summoned the Hons. G. W. Underhill, A. S. Huey, A. T. Rainey and Thos. B. Hanley; and J. H. Crease, C. C. Danley and J. H. Hobbs, Esqs., as witnesses in support of the charge, proceeded to hear their evidence, from which they learned the following facts, in substance, to wit: That on the 2d Nov. last, DeShongh drew mileage as senator, district, for 200 miles, which was, at the time, all the mileage he claimed, for traveling to and returning from the seat of government; that on the night of 24th December ult., he applied to the Hon. T. B. Hanley, president of the senate, for another certificate, allowing him additional mileage, in returning from the capitol, saying that in consequence of high water and inclement weather, he could not return home by the overland route, but must return by water, as it appears he did do; that Mr Hanley remarked to him, the said DeShongh, that he was willing to certify to another account for the additional mileage, that would enable him to reach home by water, that he thought it was but right and proper that he should have it, and that he himself intended to charge water mileage home, in consequence of high water; that, the said DeShongh told Hanley that he would resign his seat in the senate, in consequence of having to leave his post, and would hand him his resignation before he left, that he would leave the city that night on a boat, and that he would go to the room of Mr Hobbs, the first clerk of the house of representatives, and would get him to make out his account for the per diem and mileage, claimed, and requested Mr Hanley to remain in the bar room of the Anthony house, where the conversation detailed occurred; that he was told that Mr Hanley would have to leave in a few moments, to attend a party of friends. At some time thereafter, the said DeShongh sent to Mr Hanley his account for $90, charged in two items, the first being $15. for five days service as senator, at $3 per day, and the second for 500 miles travel, in coming to and returning from the capitol, at $3 for every 20 miles, and amounting to $75; that Mr Hanley, on said account being presented for his approval and certification, was unwilling to certify or approve the second item therein, to wit: the item for 500 miles of mileage, amounting to $75; and therefore converted the 5, in the 500, into a cipher, the 75, in the $75 item, carried out into two ciphers; and the $90, indicating the aggregate of the two items, into two ciphers, leaving but one item in said account standing, to wit: the item of five days' service, at $3 per day, amounting to 15, and the account so altered and changed Mr Hanley certified to officially, as president of the senate; that after the said account was so certified, the same was presented to the auditor by the said DeShongh, with a request that he would audit the same, and would give him a warrant on the treasury for the amount thereof, but changed, so as to make the three ciphers representing the amount of mileage to represent 500 miles, with the two ciphers representing the amount of mileage carried out, converted into $75, and the two ciphers representing the aggregate of the two original items in the account, converted again into $90; that the auditor supposed the account to be genuine and proper, audited the same, and gave the said DeShongh a warrant on the treasury for the whole amount thereof, as it was made appear to him, that is to say, for the sum of $90, and that on said warrant being presented to the treasurer, he paid the said DeShongh the sum of $90, the full amount thereof.

The above contains about the substance of what was deposed to before the committee, by the witnesses as aforesaid, (the said DeShongh introducing no evidence whatever;) and the committee further state, that from a close and careful inspection of the account referred to above, they feel no hesitation in saying the sums were altered and raised, after it was certified to by the president of the senate, as herein stated, and from all the circumstances and facts aforesaid, the committee are reluctantly forced to the unpleasant conclusion, that the same must have been raised or changed after it was so certified to by the president of the senate, as aforesaid, which makes the conduct of Franklin DeShongh highly improper and criminal, and would subject him, upon conviction thereof, to punishment, under the penal laws of this state, and would render the perpetrator thereof incapable of holding any office of trust or profit under our constitution and laws, and therefore, unworthy to associate with gentlemen, much less to occupy a seat upon this floor with senators, who should be above reproach. Your committee would, therefore, respectfully recommend to your honorable body the adoption of the following resolution, to wit:

Resolved, That it is the opinion of the senate, that Franklin DeShongh, senator from tenth district, has failed to account to the satisfaction of the senate, for the raising of the figures aforesaid, in the certificate above mentioned, in manner aforesaid, and in consequence thereof, is unworthy a seat on this floor, as a member of this body, and the said Franklin DeShongh, senator as aforesaid, be, and is hereby expelled from the senate of the State of Arkansas, for and during the rest and residue of the term for which he was elected as a senator from said tenth district, and that he be, and he is hereby excluded from the participation in any and all of its deliberations.

All of which is most respectfully submitted, and your committee ask to be discharged from the further consideration of the subject referred to them. CHAPMAN, *Chairman.*

Which report was read and received.

On motion of Mr Huey, the report was laid on the table for the present.

Mr Burrow moved to print the report.

Which motion was lost.

On motion of Mr Ellis, house bill No. 310, to be entitled 'an act authorizing suits in ejectment to be instituted, &c.,' was taken up, and read.

Mr Harrison offered the following amendment:

Amend, by adding the following section:

Sec. —. *Be it further enacted*, That nothing in this act contained shall be so construed as to extend to or authorize any action of ejectment to be brought, on such certificates, for the possession of any lands lying south of the Arkansas river.

Which was read.

Mr Henson offered the following amedment:

Amend, by adding, as an additional section—

Sec. —. That nothing contained in this act shall be so construed as to affect any title or right to any land, or to the possession thereof, in the county of Hot Spring.

Which was read.

The chair laid before the senate the following communication:

Hon. T. B. Hanley,
President of the Senate:

Sir: Owing to circumstances which now surround me, I deem it a duty that I owe to myself and family, to tender you my resignation; hoping that the district which I have the honor to represent, may choose an individual from amongst them, that may, by his wise legislation, add to the general interest of the state of Arkansas.

FRANKLIN DeSHONGH.

January 8th, 1853.

Mr Huey moved that the resignation tendered by Mr DeShongh be accepted by the senate.

Mr Harley moved to lay the resignation on the table for the present.

After debate, Mr Harley withdrew the motion to lay on the table.

When the question was taken on Mr Huey's motion to accept the resignation, and it prevailed.

Mr Haney moved that the senate take a recess until 3 o'clock, P. M., and at that time, that the senate make house bill No. [illegible], to be entitled 'an act to authorize suits of ejectment to be instituted, &c.,' the special order of the day, in committee of the whole.

Which motion prevailed, and the senate took a recess until 3 o'clock, P. M.

At 3 o'clock, P. M., the senate convened.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to present for your honor's signature, 'an act supplementary to an act to establish in the town of Batesville, State of Arkansas, an institution for the promotion of the fine arts, mechanism, science, education, commerce and agriculture, and the diffusion of knowledge.'

J. H. HOBBS,
Clerk of the House.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house have passed a bill, to be entitled 'an act for the relief of settlers upon the saline or salt spring lands, in Conway county;' which is herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have passed bill No. 334, entitled 'an act supplementary to an act to provide more fully for the incorporation of the city of Fort Smith;' which is herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Berry, house bill No. 328, to be entitled 'an act to distribute certain school books,' was taken up, and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Berry, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Mitchell was called to the chair.

On motion of Mr President, house bill No. 282, to be entitled 'an act for the relief of the children of James Love, deceased, of Desha county,' was taken up, and read a first time.

On further motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr President, the rules of the senate were dispensed with, the bill read a third time, and passed.

On motion of Mr Lemoyne, house bill No. 312, to be entitled 'an act for the relief of settlers upon the Saline Lands, in Conway county,' was taken up, and read a first time.

On further motion of Mr Lemoyne, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Lemoyne, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Clarke, the vote just taken on the final passage of house bill No. 312, to be entitled 'an act for the relief of settlers upon the Saline Lands, in Conway county,' was reconsidered.

Mr Maxwell offered the the following amendment, by way of rider.

Amend, by inserting, 'all the settlers on Saline Lands, in this state.'

Mr Miller offered the following amendment:

Amend, by including the county of Franklin.

Which amendments were read.

Mr Maxwell moved to lay the bill and amendments on the table indefinitely.

On which motion Mr Lemoyne called for the yeas and nays, which being sustained were ordered.

Yeas.—Messrs Berry, Bozeman Chapman, Clarke, Davidson, Ellis, Harley, Harrison, Henson, Izard, Maxwell and Rose—13.

Nay.—Messrs Huey, Lemoyne, Miller and Mitchell—4.

So the bill was laid on the table indefinitely.

Mr Berry introduced the following

RESOLUTION:

Resolved, That a committee of three be appointed to list and burn all the Arkansas bank paper, in the state treasury, except one thousand dollars, as recommended by the committee on auditor and treasurer's books, in their report.

Which was read and adopted; and Messrs Berry, Davidson and Harley appointed such committee.

On motion of Mr President, house bill No. 310, to be entitled 'an act to authorize suits of ejectment to be instituted,' together with the amendments offered this morning, by Messrs Harrison and Henson, were taken up, and the bill read a third time.

Mr Henson, by leave of the senate, withdrew his amendment, offered this morning.

Mr Lemoyne moved to suspend the rules of the senate, so as to read the amendment, offered this morning by Mr Harrison, a second time.

Which motion was lost.

Mr Henson then re-offered the amendment he had, by leave of the senate, just withdrew, viz:

Amend, by adding as an additional section:

That nothing contained in this act, shall be so construed, as to effect any title or right to any lands, or to the possession thereof, in the county of Hot Spring.'

Mr Huey moved to lay the amendment just offered, on the table.

Which motion was lost.

On motion Mr Huey, the bill was put upon its final passage.

The question, 'Shall the bill pass?' was taken from the chair.

Mr Henson called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Bozeman, Burrow, Chapman, Clarke, Ellis, Huey, Izard, Lemoyne, Miller and Rose—11.

Nays.—Messrs Davidson, Harley, Harrison, and Henson—4.

So the bill was passed.

On motion of Mr Huey, house bill No. 213, to be entitled 'an act to amend the present law in relation to executions,' was taken up, and read first time.

On further motion of Mr Huey, the rules were dispensed with, and the bill read a second time.

And, on further motion of Mr Huey, the rules were again dispensed with, and the bill read a third time.

The question being on the final passage of the bill, the chair decided upon a division, that the bill was lost by a tie vote.

On motion of Mr Lemoyne, house bill No. 306, to be entitled 'an act making appropriations for the years, 1852, 1853 and 1854,' was taken up and read a first time.

On motion of Mr Burrow, the rules were dispensed with, and the bill read a second time.

And, on further motion of Mr Burrow, the senate resolved itself into committee of the whole, on the bill under consideration, Mr Berry in the chair.

After some time spent, the committee arose, and through their chairman, reported the bill back to the senate with the following amendments:

Add to the 4th item, 'to pay John H. Crease for extra services, rendered as treasurer, $500.'

Strike out the 6th item, and insert the following:

'To pay contingent expenses of the office of the auditor of public accounts, $1200; and to pay contingent expenses of the office of the treasurer, $600.'

In the 6th item of the 4th section, strike out, 'states' attorney,' and insert, 'one of the judges of the supreme court.'

Add to 29th item, 'to pay Alexander Fry $100 for extra services, as door-keeper of the senate.'

Amend by striking out of section 20, all except the words, 'for the library of the supreme court;' in the 71st and 72d lines, and the words, 'the sum of four hundred dollars;' in the 76th line, so that it will read, 'for the supreme court library, the sum of $400.

Amend, in line 122, by inserting, after, 'have been,' the words, ‘shall be;’ ‘that the sum of $100 dollars be, and the same is hereby, appropriated to pay the secretary of the senate for enrolling and engrossing bills for the senate during the present session.’

Amend, by an additional section, as follows:

Sec. ——. To pay Luke E. Barber, clerk of the supreme court, for costs accruing at the instance of the state, in suits in which the state was a party, and costs were adjudged against her, $149 21.’

‘To pay costs that may hereafter accrue in the case now pending between Robertson Lyttle and others, complainants against the State of Arkansas,’ to be drawn and paid upon the certificate of the attorney general, from time to time; which certified accounts shall be sufficient vouchers for the auditor, $300.’

‘To pay James M. Tibbetts for services as assistant secretary of the senate for ten days; the account to be certified by the secretary of the senate, $80.’

‘To Wilson Denton the amount expended by said Denton in paying lawyers’ fees and costs in four cases or suits, brought against him for false imprisonment, brought in Marion circuit, whilst engaged in the military service of the State of Arkansas, in suppression of disturbances in Marion county, in the year 1847, one hundred and fifty dollars;’ ‘for building a wall around the penitentiary house of the state $26,500.’

And recommend their adoption, and the passage of the bill.

On motion ot Mr Burrow, the bill and amendments were laid on the table until Monday next.

Message from the governor by R. H. Johnson, Esq., his excellency’s private secretary.

Mr President:

I am instructed by the governor, to report to the senate, that on the 8th day of January, 1853, he approved and signed, ‘an act to incorporate the Merchants and Planters’ Insurance Company, at Camden.’

R. H. JOHNSON,
Private Secretary.

Mr Henson, from a select committee, made the following

REPORT:

Mr President:

The select committee, to whom was referred the bill, entitled ‘an act for the relief of Wm. K. English & Finus Leech,’ had the same under consideration, and instruct me to report the following amendment, and recommend its passage:

Strike out all after the word ‘said,’ and insert, ‘English five dollars per day, and the said Leech the sum of three dollars per day, in swamp land scrip, for the time they were engaged in revising and correcting the locations for Saline, Hot Spring and Dallas counties, and in making the locations for the counties of Clarke, Montgomery and Polk.’

HENSON, *Chairman.*

Which report was read and received.

On motion of Mr Henson, the report was taken up and adopted,

And on further motion of Mr Henson, the rules of the senate were dispensed with, the bill, as amended, read a third time, and passed.

Mr Burrow moved to reconsider the vote taken to day, on house bill No. 312, to be entitled 'an act for the relief settlers upon the Saline Lands, in Conway county.'

But, before the question was put, the motion to reconsider was, on motion of Mr Burrow, laid on the table until Monday next.

On motion of Mr Huey, the senate took a recess until 6 1-2 o'clock, P. M.

At 6 1-2 o'clock, P. M., the senate convened.

On motion of Mr Huey, house bill No. 327, to be entitled 'an act to authorize the county court of Marion county to regulate the compensation of grand and petit jurors,' was taken up, and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Huey, the senate resolved itself into committee of the whole, on the Cuba and other resolutions, referred to it on Wednesdey last.

Mr Chapman in the chair.

After some time spent therein, the committee arose, and through their chairman, reported the following, as a substitute for the resolution of the senate, relating to the acquisition, by the United States, of the Sandwich Isles and the Island of Cuba:

Resolved by the General Assembly of the State of Arkansas, That it is expedient for the government of the United States to acquire Cuba and the Sandwich Islands, if it can be done without a violation of our treaty relations to other governments.

And asked leave to sit again on Monday next at 3 o'clock, P. M., to consider of the other resolutions, on federal relations, referred to the committee.

Which report was adopted.

On motion of Mr Izard, the senate adjourned until Monday morning 9 o'clock.

THOMAS B. HANLEY, *President.*

Monday, Jan. 10th, 1853.

The senate met pursuant to adjournment.

The roll was called, and the following Senators answered to their names:

Messrs Berry, Bozeman, Chapman, Clarke, Davidson, Ellis, Harrison, Harley, Henson, Huey, Izard, Lemoyne Maxwell, Miller, Mitchell, Rose, Underhill and Mr President—18.

Prayer by the Rev. Andrew Hunter.

On motion of Mr Lemoyne, the reading of the journal of Saturday las was dispensed with.

Message from the house of representatives by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act to incorporate the Arkansas Western Railroad Company;' 'an act to increase the common school fund of Prairie county;' 'an act for the benefit of jurors in the counties of Lafayette, Arkansas, Jefferson, Calhoun and Ouachita;' 'an act to transfer the accounts and guardianship of David W. Moore from the county of Crawford to the county of Washington;' 'an act to amend the laws now in force to regulate the sale of the 500,000 acre grant of land to the State of Arkansas;' 'an act to pay the clerks of the bank committees.'

A joint resolution, instructing our senators in Congress, and requesting our representative, to use all their influence to procure the removal of the second land district, in the State of Arkansas, from Fayetteville to Huntsville, and to have certain townships attached to the third land district.

'An act more fully to define the line between the counties of Pope and Newton;' 'an act supplementary to an act to incorporate the town of Bentonville, approved January 10th, 1849;' 'an act to take the sense of the qualified voters of this state for and against a call of a convention to modify and reform the present constitution of this state;' 'an act to regulate the distribution of the acts and journals of the General Assembly;' 'an act for the benefit of A. Cowen and Daniel C. Williams;' 'an act to amend an act to authorize the sale of the 16th sections for less than two dollars per acre in certain cases;' 'an act amendatory of the charter of the city of Little Rock;' 'an act to authorize and require the clerk of the county and circuit courts of Montgomery county, to transcribe certain records of said county;' 'an act to constitute Frances Spence a *feme sole*.'

A joint resolution, proposing to amend the constitution of this state, so that the county of Sebastian may be reduced to any number of square miles, not less than six hundred, and a population not less than the ratio of representation.

'An act to incorporate the Louisville and Arkansas Mining and Marble Company;' 'an act to incorporate the city of Powhatan, in Lawrence county;' 'an act for the relief of the deaf and dumb asylum, at Danville, Kentucky;' 'an act to authorize the institution of suits of ejectment in certain cases.'

J. H. HOBBS,
Clerk of the House.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house have assented to senate bill ——, to be entitled 'an act for the relief of William K. Inglish and Finus Leech, of Saline county;' which is herewith returned.

J. H. HOBBS,
Clerk of the House.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 98, to be entitled 'an act for the relief of Dr. John M. Taylor, of Desha county;' also, to senate bill No. 104, to be entitled 'an act to increase the compensation of the land attorney and state collector;' all of which are herewith returned.

The house of representatives have passed bill No. 260, to be entitled 'an act for the relief of William Gillman;' also, bill No. 302, to be entitled 'an act to prohibit the sale of spiritous liquors to Indians, within the State of Arkansas;' also, bill No. 315, to be entitled 'an act to amend an act to provide for the printing of the governor's message and the reports of the different state officers, approved December 21st, 1850.'

All of which are herewith transmitted for the assent of the senate.

J. H. HOBBS,
Clerk of the House."

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined, 'an act to provide for assessing and taxing reclaimed swamp and overflowed lands;' also. 'an act for the relief of James Lawson;' also, 'an act for the relief of the estate of George Handy; also, 'an act to declare Plum Bayou navigable;' also, 'an act to prevent persons from selling spiritous liquors to slaves, and other purposes;' also, 'an act to provide for building a stone wall around the penitentiary house of the state;' also, 'an act to incorporate the Arkansas Central Rail-road Company;' also, 'an act to increase the compensation of the land attorney and state collector.'

Also, a joint resolution, requesting our delegation in Congress, to have certain territory attached to the Champagnolle land district; also, a resolution, authorizing the Hon. Wm. B. Marshall to draw the pay of Bryant Kellett and James Dowell, one hundred dollars, which was appropriated to them by an act of the present General Assembly of the State of Arkansas.

All of which I am instructed to report correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr Underhill, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvements, have had under consideration, house bill No. 280, entitled 'an act amendatory of the existing laws, regulating the landed interest of the state,' and have instructed me to report the same back to the senate, amended by striking out from the first to the forty-sixth section, inclusive, except the enacting clause, in the 1st section, and by inserting in lieu thereof, the following sections, to-wit:

Section 1. That the entire landed interests of this state shall hereafter be controlled and managed as hereinafter provided.

Sec. 2. *Be it further enacted*, That the auditor of the state shall procure, and keep in his office, a well bound set of books, and correct plats of all the lands taken up by the state under the act of Congress donating 500,000 acres of land to the state for the purpose of internal improvement. He shall also keep well bound books, and correct plats of all the Seminary lands, granted to the Territory (now State) of Arkansas, by act of Congress, approved 2d March, 1827. He shall also keep well bound books, and correct plats of all the lands belonging to the state, under the designation of "Saline lands." He shall also keep well-bound books, and corrects plats of all the lands granted to the state, by act of Congress, approved 28th September, 1850, under the appellation of "swamp and overflowed lands."

Sec. 3. The auditor shall make out for each township in this state, in which there are any of the lands above described, township maps, in which he shall carefully class the internal improvement lands, Seminary lands, Saline lands and swamp and overflowed lands; each description making a class to itself, and to be discriminated from the other in such maps or plats; which plats or maps shall be furnished by the auditor to the land agents of the several districts hereinafter provided for.

Sec. 4. That there shall be established, for the sale and entry of the lands of this state, as enumerated in section two, five offices, to-wit: One at Dardanelle, one at Jacksonport, one at Washington, one at Helena and one at Pine Bluff.

Sec. 5. The General Assembly shall, at its present session, and every two years thereafter, elect one competent person to fill each of the offices named in section four, who shall act and be known as land agent, and who shall keep his office at the point in the district for which he shall have been elected, designated in section four; and who, before entering upon the discharge of his duties, shall take an oath before some officer qualified to administer oaths, that he will, well and truly, discharge the duties of his office, and that he will not, directly or indirectly, be engaged in the purchase of lands belonging to the state, to be sold by him, during his continuance in office; and shall also enter into bond to the State of Arkansas, with security, to be approved by the governor, in a sum not less than ten thousand dollars; conditioned that he will well and truly discharge the duties of his office, and account for and pay over to the state treasurer, all moneys and land scrip coming to his hands as such land agent.

Sec. 6. That after the said land agent shall have been furnished with the books, maps or plats, as hereinbefore provided for, they shall possess the like power and authority, be governed by the same rules and restrictions, and be guided by the same requirement of law, which now control the action of the state land agent in the sale and disposition of the 500,000 acres, and in the sale and disposition of the Seminary lands, and shall be controlled by such laws as may be enacted in regard to the sale of the Saline lands, in the event they shall be ordered to be sold; and it shall be the duty of the said land agent, pursuant to the provisions of the laws now governing the actions of the late state land agent, in such cases and so far as they can be made applicable, (under the change of office herein provided for), and in pursuance of such laws as hereafter may be enacted for that purpose, to sell any or all of the lands belonging to the state as internal improvement lands, or Saline lands, situated in their respective districts.

Sec. 7. And the said land agents shall have full power and authority to sell any of the lands granted by Congress to this state, under the designation of swamp and overflowed lands; but, in making such sales, shall be governed by the rules, provisions and regulations now in force, and hereinafter provided, or which may exist by law at the time of such sale.

Sec. 8. That the said state land agent, upon receiving the maps and plats herein provided for, shall immediately, and without delay, proceed to advertise the swamp and overflowed lands, of their respective districts for sale, taking the books and maps, furnished by the auditor, for their guides, with regard to what lands are so owned by the state; which advertisement shall be by hand-bills, set up at the court house door of each county of their districts, and shall also be published in two newspapers of this state, weekly for six weeks, the last insertion to be at least thirty days before the day fixed in said advertisement for the time of sale; and on the day, and at the place specified in said notice; which place shall be the offices of the respective agents, they shall proceed to offer the said lands for sale to the highest bidder, for cash, or swamp land scrip; *Provided*, That no lands shall be sold at such public sale for a less price than one dollar and twenty-five cents per acre. Such sale shall continue from day to day, until all the swamp and overflowed lands shall have been sold, or offered for sale by the respective agents.

Sec. 9. That at such sale the land shall be offered in quarter sections and half-quarter sections, to suit purchasers and enhance the value thereof.

Sec. 10. That every head of a family, who may hereafter settle upon, or who is now a settler upon any of the undisposed swamp and overflowed lands, shall have a pre-emption right thereto, in exclusion of all persons whatsoever up to the day of such sale, and shall have a right to enter any of the legal subdivisions as above recited; *Provided*, That no right under this section shall vest in any individual, except an actual settler upon a portion of the lands claimed, or whose improvements may extend from his own lands to a portion of the swamp and overflowed lands. But if such settler fail to make such entry before the day set apart for such sale, then the right of entry shall be lost, and the lands offered for sale to the highest bidder; and it is hereby made the duty of the land agents, in their advertisements, to notify pre-emptors of their rights under this act.

Sec. 11. That any head of a family or other free white citizen of the state, over the age of twenty-one years, who shall make a settlement on any of the swamp and overflowed lands after the day of sale, which remain unsold, and who shall, within thirty days after the time of such settlement, file their declaration in writing, setting forth the fact that they claim said tract of land, to be described in the declaration, as a pre-emption right under the provisions of this act, with the land agent of the district in which such lands are, shall be entitled to a pre-emption right for the term of twelve months after the date of such settlement, and shall have a preference right to enter the same in any legal subdivision, as above designated, not to exceed one hundred and sixty acres, at the minimum value of all swamp and overflowed lands which are not sold at public sale, which is hereby declared to be seventy-five cents per acre for all lands within six miles of a navigable water-course, and fifty cents per acre for all lands being more than six miles from a navigable water-course.

Sec. 12. That all lands not sold at the time appointed for such public sale, shall be liable to be entered at any time thereafter, for swamp land scrip, at the rates herein fixed, and the land agent shall give to the purchser a certificate of such entry, in which he shall specify the lands entered, and the amount received for such entry, and shall also, note such entry on his township maps, and in his book to be kept for that purpose.

Sec. 13. That upon the day of public sale, the agent may employ a clerk to keep the accounts of sale, who shall be paid by the agent employing him, and he shall take duplicate receipts therefor, which payment shall be made out of the proceeds of the sale, and the clerk's receipt shall be a good voucher to the agent in his settlement with the auditor.

Sec. 14. That each of the land agents herein provided for, shall receive, in full compensation for their salary, the sum of eight hundred dollars, to be paid equally out of the different lands sold, and in proportion to the amount of each class of lands controlled by them.

Sec. 15. In addition to the memorandum of sales or entry of lands, to be made upon the maps or plats furnished by the auditor, the several land agents shall each procure a well bound book, in which they shall enter each location or purchase of lands, and in which they shall specify the tract sold, to whom sold, and the date of sale, and the price, and how paid for.

Sec. 16. That each of the state land agents shall make out a detailed report of the transactions of his office at the end of every six months, which report shall be transmitted to the auditor; and each land agent shall, immediately after the expiration of the period of six months, make settlement with the auditor, in which settlement his account shall be audited, and he shall forthwith pay over to the treasurer of the state the amount of money and land scrip which may be found chargeable against him, and file the treasurer's receipt for the same in the auditor's office.

Sec. 17. That if at any time any land agent shall be in default, the auditor shall transmit a certified statement thereof to the attorney for the state, in the circuit in which the land agent resides, and it shall be the duty of the prosecuting attorney, at the first term of the circuit court in the county of said agent, after he shall have received such notice, to move such court for judgment against such defaulting agent for the amount which he shall be in arrears, together with twelve and one-half per centum damages thereon, and the court shall thereupon render judgment against such land agent and his securities for the amount shown to be due, together with the twelve and one-half per centum damages, and also for six per centum interest thereon; which judgment shall be in the name of the state, and for the use of the fund to which the proceeds retained belonged; and in the hearing and determining of all such matters, the parties, or their attorney, may introduce in evidence the said statement of the auditor, and any entries in the land agent's books, and may introduce such other proof as shall be admissible under the general rules of evidence.

Sec. 18. That if at any time, any land agent shall be in default, he shall be guilty of a high misdemeanor, and upon conviction thereof, by indictment or presentment, shall be fined in any sum not less than fifty, nor more than five hundred dollars, for the use of the state. The auditor, in addition to the statement to be transmitted to the prosecuting attorney, shall also file with the governor of the state a written statement, showing the existence of such defalcation; and the governor may, therefor, dismiss such defaulting officer from his office.

Sec. 19. That in all cases of vacancy, by death, removal, or resignation of the land agents, or swamp land commisioners, the governor shall appoint a successor, who shall hold his office until the next session of the General Assembly thereafter, and until his successor shall be elected and qualified; and such agent or commissioner so appointed, shall give the same bond and securities, take the same oath, and he and his securities be under the same liabilities that are provided for those elected.

Sec. 20. That the auditor shall furnish the several land agents with forms of entries, locations and certificates of entry, which forms the agents shall pursue in the disposal of the lands, and shall always discriminate the class the lands belong to, which were sold.

Sec. 21. That in all the purchases of land for scrip, the owner of the scrip shall transfer the same to the state, which transfer shall be in writing upon the back of the scrip, and shall be attested by the land agent; and the scrip so transferred shall be equivalent to the amount of money therein called for, on settlement by the land agent with the auditor.

Sec. 22. It shall be the duty of the auditor to prepare patents for all lands sold by the several land agents, after the same shall have been paid for, which patents, with other evidences of payment, shall be submitted to the governor for his signature; and all patents, when signed by the governor, shall be recorded by the auditor in a book to be by him kept for that purpose, for which recording he shall be entitled to a fee of one dollar, to be paid by the patentee.

Sec. 23. The auditor shall also be entitled to a fee of one dollar for each certified transcript from his office, payable by the person who shall desire the same; *Provided,* That this section shall not apply to transcripts needed by other officers of this state in the course of official business.

Sec. 24. That all certified transcripts from the office of the auditor, and all certified transcripts from the office of any one of the land agents, shall be received in evidence of the existence of the records of which the transcript is a copy without further authenticity, in all matters pending in any of the courts of this state.

Sec. 25. That the present General Assembly, during its session, and every two years thereafter, shall elect three competent persons, to be known as swamp land commissioners, who, before entering upon their duties, shall take an oath before some officer qualified to administer oaths, that they will, well and truly, discharge the duties of their office, and shall also enter into bond to the state of Arkansas, with security, to be approved by the governor, in a sum not less than twenty thousand dollars, conditioned that they will, well and truly, discharge the duties of their office; and it shall be the duty of the said commissioners to keep well-bound books, in which shall be recorded all contracts and agreements with contractors, and all certificates which they may give upon the completion of any contract; and they shall receive for their services the like sum as is now paid to the present swamp land commissioners.

Sec. 26. That it shall be the duty of the swamp land commissioners to divide the state into five convenient districts, having, as near as may be, the same quantity of swamp land in each; which districts shall be laid off with a view to the convenience of business from the offices hereinbefore located for the said five districts.

Sec. 27. That said board of swamp land commissioners, at their regular meetings, as now provided by law, shall carefully examine, audit and adjust, all accounts for levee or other work properly due from the swamp land fund, and give to the person or persons, to whom such account is due, a certified statement of the amount, and for what service the same is due, upon the presentation of which to the auditor, he shall issue a warrant on the treasurer, who shall pay the same out of any money in the treasury arising from the sale of swamp and overflowed lands, and if there be no money in the treasury arising from this source, the treasurer shall issue swamp land scrip to the holder in such denominations as may be desired not less than twenty dollars, for the amount so certified by the commissioners, which scrip shall be receivable in payment for swamp lands at public sale, or at private entry.

Sec. 28. Such scrip, when issued, shall be recorded by the treasurer and numbered, and the warrant upon which it is issued shall be numbered with the corresponding number, and the word "*satisfied*" shall be written across its face, with the date of the satisfaction, by the treasurer, who shall keep such warrant in his office as evidence and authority to issue such scrip.

Sec. 29. That the said swamp land commissioners shall have the accounts of their office audited annually by the auditor of public accounts, and if said swamp land commissioners shall fail to make return of their transactions to the office of the auditor, or if they willfully make false returns, they shall be deemed guilty of a high misdemeanor, and upon conviction by presentment or indictment, shall be fined in any sum not more than five hundred dollars, and imprisoned not less than one month, nor more than one year.

Sec. 30. That said swamp land commissioners shall have power and authority to employ, whenever the necessities of the state require it, one or more engineers to superintend the laying out of levees, cut-offs, drains, and so forth.

Sec. 31. That it shall be the duty of the present swamp land commissioners to make out and file in the auditor's office, on or before the first day of April next, an accurate list and description by numbers and areas of all swamp and overflowed lands disposed of by them; showing to whom, for what and when each tract of land was sold, to which class each tract belonged, the name of the person who signed the certificate of purchase; the number of the certificate, the number of acres sold for cash, and the number of each class otherwise disposed of.

Sec. 32. That the office of the board of swamp land commissioners shall be located at Helena, at which place the commissioners shall meet as now provided for, and discharge the duties imposed upon them by the act which this is intended to amend.—

That the secretary of said board shall take an oath of office, and enter into bond to the State of Arkansas, in a sum not less than ten thousand dollars; and the said swamp land commissioners, or a majority of them, shall have the power and right to change the location of the office of the board of swamp land commissioners to such a point as may be most convenient to the place at which the largest amount of work is being done.

Sec. 33. It shall be the duty of the swamp land commissioners, on the first Monday in January in each year, to make out and transmit to the auditor of public accounts, an accurate list of all swamp and overflowed lands reclaimed, in order that the same may be taxed according to the provisions of the fourteenth section of the act approved sixth January, 1851.

Sec. 34. It shall be the duty of the auditor to transmit to the sheriff of each county where any of said reclaimed lands lie a copy of the lists of reclaimed lands as above provided, by the swamp land commissioners. Such sheriff shall assess such land as in other cases.

Sec. 35. Any person, or persons, who may cut, destroy or remove any timber now standing on any of the swamp and overflowed lands granted by Congress to this state, shall be subject to indictment, and on conviction thereof, shall be fined the full value of the timber cut, destroyed, or carried away, and be imprisoned not less than two, nor more than twenty days; *Provided*, That any person or persons residing on such swamp or overflowed lands shall have the right to cut any timber growing on the tract which he may occupy, for his own use for building or farming purposes.

Sec. 36. That any person or persons who shall destroy or materially injure any part of the levees now constructed, or that may be hereafter constructed, shall be subject to indictment in the circuit court of the proper county, and on conviction thereof, shall be imprisoned not less than one year, and pay all damages that may accrue, and that this provision, with the one next above, shall be given specially in charge to the grand jury by the court, at the commencement of each and every circuit court throughout the state, where there may be any of such swamp and overflowed land situate.

Sec. 37. That after the pre-emptor has filed his declaration, as required by section ten of this act, he shall make proof before the swamp land agent of the proper district, or before some justice of the peace, by two disinterested witnesses, that he or she is an actual and bona fide settler, as provided for in section ten, subject to an appeal to the board of swamp land commissioners.

Sec. 38. That nothing in this act shall be constructed so as to alter or change existing laws, until the election and qualification of the officers herein provided for, and until the auditor shall make out and furnish the several land agents herein provided to be elected for the several land districts, with the maps and plats as required to be furnished by him as aforesaid, which he shall furnish without delay.

Sec. 39. That all persons being citizens of this state, who have entered at the United States land offices any part of the swamp and overflowed lands, shall have the exclusive right of purchase thereof, for the term of twelve months from and after the passage of this act, at the price fixed upon said lands by the swamp land commissioners.

Sec. 40. That all contractors for erecting levees shall have the right of way through the lands of (or) fields where the levees are located by the commissioners; and the contractors shall give bond and security, conditioned for the faithful execution of the contract, and shall be liable to pay damages to the use of the state, and also to any citizen who may be injured by the non-performance of the contract according to the condition of the bond aforesaid; but if the proprietor or proprietors of such lands or fields should be dissatisfied with the location of such levees through his, her, or their land or fields, and shall, on the location of such levees as aforesaid, give to the commissioners notice of such dissatisfaction, and their determination to claim such damages as the location of such levees may occasion, then, and in that case, the said commissioners shall forthwith apply to the sheriff of the proper county, who shall forthwith proceed to summon a jury of twelve freeholders of such county, in no wise akin to said parties, or in anywise interested in said lands or fields through which said levees may be designed to pass, which jury shall assemble at the place intended to be viewed, and shall take an oath, to be administered by the sheriff, that they will faithfully and impartially view the lands or fields of such person on whose lands such levee may be located, and will faithfully and impartially assess the damages which such levee is calculated to occasion such lands; and the said verdict shall be entered upon the back of the inquisition, and shall, by such sheriff, be filed in the office of the clerk of the circuit court of the proper county, and the inquisition and verdicts so returned, shall be an effectual bar to both parties without appeal; and if such jury should find damages for such owner or proprietor, then, and in that case, such owner shall have a credit for so much for which when properly certified by the clerk of the proper court, shall be sufficient authority to the proper officer to issue scrip for the same, and when so issued the same shall be taken and received in payment of any of the swamp and overflowed lands in this state.

Sec. 41. That the swamp land commissioners shall review the levees now or hereafter constructed, and if any of said levees have been washed away, or have caved in, or if any levee requires to be raised higher in order to make the same thirty inches above high water mark, then, and in such cases, the swamp land commissioners shall let out and cause to be constructed such further or other, on said levees, as shall be necessary to raise the same thirty inches above all high water marks, and any new levees make where other levees have been washed away, and the same to locate in the plach adjudged to be most proper.

Sec. 42. That the swamp land commissioners shall have power to make cut-offs on streams which require to be straightened, and in all cases where said cut-offs are to be made on any creek, stream or river, the swamp land commissioners shall commence at the mouth of said cut off, and work up stream; *Provided*, No cut-off shall be made on the Arkansas river which will throw the Arkansas river from the town of Pine Bluff; *And provided further*, That any and all persons who may be injured by any cut-off shall recover damages from the swamp land fund in the same manner as hereinbefore provided for the recovery of damages sustained by reason of locating levees through fields and lands.

Sec. 43. That all books, maps and plats necessary for the swamp lands, as well as all other expenses that may be incurred relating to the swamp and overflowed lands, shall be paid out of the swamp land fund, and that all expenses relating to the saline lands, the seminary lands, or the internal improvement lands, shall be paid out of the respective fund for which such expenses were incurred.

Which report was read and received.

Mr Davidson was called to the chair.

On motion of Mr Underhill, the report just read and received, was taken up, and the amendments proposed by the committee on internal improvements, adopted.

On motion of Mr Izard, the rules of the senate were dispensed with, and the bill read, as amended, a third time.

The question being on the final passage of the bill, Mr Maxwell called for the yeas and nays; which being sustained, were ordered:

Yeas,—Messrs Berry, Chapman, Clarke, Davidson, Ellis, Fletcher, Harrison, Huey, Izard, Lemoyne, Miller, Mitchell, Underhill and Mr President—14.

Nays.—Messrs Bozeman, Harley, Henson, Maxwell & Rose—5.

So the bill was passed.

No. 168. Mr Chapman, on leave, introduced a bill, to be entitled 'an act supplementary to an act revising the common school system, in the State of Arkansas.'

Which was read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Chapman, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Huey, from the committee on internal improvements, made the following

REPORT:

Mr President;

The committee on internal improvement, to whom was referred house bill No. 318, to be entitled 'an act to incorporate the

Mississippi Valley Railroad Company,' have had the same under consideration, and ask leave to report the same back to the senate, and recommend its passage.

HUEY,
One of the Committee.

Which report was read and received.

On motion of Mr Harley, the bill accompanying the above report was taken up, read a third time, and passed.

On motion of Mr Harley, house bill No. 315, to be entitled 'an act in regard to the printing the governor's message, and reports of state officers,' was taken up and read a first time.

On further motion of Mr Harley, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Harley, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Huey introduced the following

RESOLUTION:

Resolved, That the two houses of this General Assembly do adjourn *sine die* on Wednesday, the 12th inst.

Mr Harley moved to lay the resolution on the table indefinitely.

Which motion was lost.

Mr Chapman moved the adoption of the resolution.

On which motion Mr Harley called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Bozeman, Chapman, Clarke, Ellis, Fletcher, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose and Mr President—15.

Nays.—Messrs Berry, Davidson and Harley—3.

So the resolution was adopted, and transmitted to the house of representatives for their concurrence.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house have passed a bill to be entitled 'an act to amend section 2d of the 139th chapter of the Digest;' which is herewith transmitted for the assent of the senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Clarke, house bill No. 334, to be entitled 'an act supplementary to an act to provide more fully for the incorporation of the city of Fort Smith,' was taken up and read a first time.

On further motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Clarke, the rules were again dispensed with, and the bill read a third time, and passed.

No. 169. Mr Chapman, on leave, introduced a bill, to be entitled 'an act to grant a charter to John O. Beard, to erect a toll bridge across Cache river, in Johnson county, Arkansas.'

Which was read a first time.

On motion of Mr Chapman, the rules were dispensed with, and the bill read a second time.

On further motion of Mr Chapman, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Berry, from the committee on enrolled bills, made the following

REPORT:

Mr. President:

The committee on enrolled bills have examined 'an act to incorporate the Memphis and Little Rock Plank or Railroad Company,' and have instructed me to report the same correctly enrolled.

BERRY,
One of the Committee.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have this day delivered to the governor for his approval, 'an act to provide for assessing and taxing reclaimed and overflowed lands;' also, 'an act for the relief of James Lawson;' also, 'an act for the relief of the estate of George Handy, deceased;' also, 'an act to declare Plum Bayou navigable;' also, 'an act to prevent persons from selling spiritous liquors to slaves, and other purposes;' also, 'an act to provide for building a stone wall around the penitentiary of the state;' also, 'an act to incorporate the Central Railroad Company;' also, an act to increase the compensation of the land attorney and state collector.'

Also, a joint resolution, instructing our delegation in Congress to have certain territory attached to the Champagnolle land district; also, a joint resolution, authorizing the Hon. Wm. B. Marshall to draw for Bryant Kellett and James Dowell, one hundred dollars, which was appropriated to them by an act passed by the present General Assembly of the State of Arkansas; and have instructed me to report the same.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Fletcher, house bill No. 298, to be entitled 'an act to repeal all laws exempting members of the Little Rock Fire Company from jury service,' was taken up and read a first time.

On further motion of Mr Fletcher, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Fletcher, the rules of the senate were again dispensed with, the bill read a third time.

After debate, the question was taken on the final passage of the bill, and upon a division, it was lost.

On motion of Mr Harrison, the vote taken on Saturday last, on the passage of house bill No. 213, to be entitled 'an act to amend the present law in relation to executions,' was reconsidered, and said bill taken up, read, and passed.

On motion of Mr Berry, house bill No. 316, to be entitled 'an act to attach a portion of Conway county to the county of Pope,' was taken up and read a first time.

On motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

Aand, on further motion of Mr Berry, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Berry, house bill No. 74, to be entitled 'an act to call in the scrip of White county,' was taken up and read a first time.

On further motion of Mr Berry, the rules were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr President, house bill No. 308, to be entitled 'an act to amend the second section of the 139th chapter of the Digest,' was taken up and read a first time.

On further motion of Mr President, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr President, the rules of the senate were again dispensed with, the bill read a third time, and passed

On motion of Mr Bozeman, house bill No. 104, to be entitled 'an act to repeal in part the 117th chapter of the Digest, under the head of Patrols,' was taken up, read a third time, and passed.

On motion of Mr Lemoyne, house bill No. 302, to be entitled 'an act to prohibit the sale of spiritous liquors to Indians, within the State of Arkansas,' was taken up, and read a first time.

Mr Lemoyne moved to suspend the rules of the senate, and read the bill a second time.

Mr Clarke objected to such suspension.

After debate, the motion to suspend the rules, was withdrawn, and the bill ordered to a second reading on to-morrow.

Mr Berry, from the committee on enrolled bills made the following

REPORT:

Mr President:

The committee on enrollments, have this day handed to the governor, a resolution authorizing the attorney general to dismiss the action at law, now depending in the Pulaski circuit court, at the suit of the State of Arkansas against certain individuals, &c., and have instructed me to report the same.

BERRY,

One of the committee.

Mr Huey, from the committee on internal improvements, made the following

REPORT:

Mr President:

The committee on internal improvement, to whom was referred senate bill No. 137, to be entitled 'an act to incorporate the Cairo and Fulton Railroad Company,' have had the same under consideration, and beg leave to report the same back to the senate with the following amendments, and recommend its passage.

HUEY,

One of the Committee.

Amend, by striking out of the 1st section, the names of 'Benjamin F. Hawkins, B. C. Harley, W. Winn, Michael Bozeman, Geo. Griswold, T. A. Rainey and J. M. Brooks,' and insert in lieu thereof, the names of 'W. C. Bevens, B. C. Totten, John N. Mitchell, A. S. Huey, J. M. Curran, W. E. Ashley, D. J. Chapman and Thomas J. Blackmore.'

Amend 6th section, by striking out the name of 'B. F. Hawkins, B. C. Harley, W. Winn, Michael Bozeman, George Griswold, T. A. Rainey and J. M. Brooks,' and insert in lieu thereof, the names of 'W. C. Bevens, B. C. Totten, John N. Mitchell, A. S. Huey, J. M. Curran, W. E. Ashley, D. J. Chapman and Thomas J. Blackmore.'

Amend 9th section, by striking out all after the word, 'directors;'

Add the following proviso:

Provided, That all the rights, privileges, immunities and franchises, contained in the charter granted at this session of the legislature of this state, to the Mississippi Valley Railroad Company, and not restricting, or inconsistent with this act, are hereby extended to, and shall form a part of this incorporation, as fully as if the same was inserted herein.

Amend section 21, after the words, 'to the Texas boundary line, near Fulton, in Arkansas,' by adding: 'with one or more branches to the western boundary line of this state, with the view of entering the northeastern and northwestern portion of Texas, and there connecting with projected railroads in that state, from the bay of Galveston, running up the valley of the Brazos and Trinity rivers. Said company may also branch and extend their said road to any other point or points within this state; *Provided*, The same shall not conflict with the franchises of any other railroad company; *And, provided further*, That said company shall obtain the right of way through the State of Texas.'

Which report was read and received.

On motion of Mr Huey, the amendments were taken up, read, and adopted.

And, on further motion of Mr Huey, the bill as amended, was read a third time, and passed.

On motion of Mr Clarke, senate bill No. 34, to be entitled 'an act to sell the Saline lands belonging to the State of Arkansas, and the appropriation thereof to common school purposes,' was taken up and read a third time.

Mr Harley moved to lay the bill on the table, and called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Bozeman, Harley, Henson and Rose—5.

Nays.—Messrs Chapman, Clarke, Davidson, Ellis, Fletcher, Harrison, Huey, Lemoyne, Maxwell, Miller and Mitchell—11.

So the motion to lay on the table was lost.

Mr President resumed the chair.

Mr Lemoyne offered the following amendments:

Strike out the words, 'and the appropriation of the proceeds thereof to common school purposes,' in the title; also, the 4th section of the bill.

Which amendments were adopted.

The bill as amended, was then read.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act to authorize the county courts of Union, Dallas and Bradley counties to regulate the pay of jurors;' 'an act for the relief of the children of Robert Love, deceased, of Desha county;' and, 'an act to distribute certain books.'

J. H. HOBBS,
Clerk of the House.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 153, entitled 'an act directing the attorney general to file a bill in chancery, to divest the trustees of the real estate bank of the assets of that institution;' which is herewith returned.

J. H. HOBBS
Clerk of the House.

Mr Rose moved to amend senate bill No. 34, by inserting, in the place where, 'common schools,' had been stricken out, the word, 'seminary.'

Which motion was lost.

The bill as amended, was then passed.

On motion of Mr Huey, senate bill No. 145, to be entitled 'an act to repeal an act, under the head of Limitations,' was taken up and read a third time.

Mr Chapman was called to the chair.

After debate, the question was taken on its passage, and upon a division, the bill was lost.

On motion of Mr Huey, house bill No. 7, to be entitled 'an act for the relief of Minor Wallace,' was taken up and read a third time.

After debate, the question was taken on its passage, and upon a division, the bill was lost.

On motion of Mr Mitchell, house bill No. 323, to be entitled 'an act to attach a part of Van Buren county to the county of Pope,' was taken up and read a first time.

On further motion of Mr Maxwell, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Berry, house bill No. 281, to be entitled 'an act supplementary to an act, passed 11th January, 1851, authorizing the land agent to sell certain lands,' was taken up and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

Mr Clarke offered the following amendment:

Strike out, 'sub-agent,' and insert, 'or the officer having charge of the business of the public lands of the state,'

Which amendment was read and adopted.

On motion of Mr Clarke, the rule of the senate were again dispensed with, the bill as amended, read a third time, and passed.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have concurred in the joint resolution of the senate, in regard to the adjournment *sine die*, upon Wednesday, the 12th inst.

Which is herewith returned.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Davidson, senate bill No. 164, to be entitled 'an act to incorporate the White river Mining Company,' was read a third time, and passed,

On motion of Mr Mitchell, house bill No. 207, to be entitled 'an act to distribute the reports of the supreme court,' was taken up and read a first time.

On further motion of Mr Mr Mitchell, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Mitchell, the rule of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr President, the senate resolved itself into committee of the whole, to take into consideration, the joint resolution of the senate, instructing our senators, and requesting our representative, to use their influence to procure the appropriation of $50,000 for clearing out White river, from the mouth of Black river to the three forks of White river, in Washington county.

Mr Chapman in the chair.

After a few minutes consideration, the committee arose, and through their chairman reported the bill back to the senate without amendment, and recommended its adoption.

Mr President moved that the report of the committee be taken up, and the resolution adopted.

On which motion, Mr Lemoyne called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Harrison, Lemoyne, Maxwell, Miller, Mitchell and Mr President—13.

Nays.—Messrs Harley, Henson, Huey, Izard and Rose—5.

So the resolution was adopted.

Mr Huey was called to the chair.

On motion of Mr Lemoyne, the report of the committee of the whole, made to the senate on Saturday evening last, was taken up.

The substitute reported by the committee for senate resolution, in relation to the acquisition of the Sandwich Islands and the Island of Cuba, was read.

Mr Clarke offered the following as a substitute for the substitute offered by the committee:

Resolved by the General Assembly of the State of Arkansas, That the federal government shall acquire the Sandwhich Islands and the Island of Cuba.

Which substitute the chair decided to be out of order.

The question being on the adoption of the report of the committee of the whole, Mr Izard called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Bozeman, Chapman, Ellis, Harley, Harrison, Huey, Izard, Maxwell, Mitchell and Mr President—11.

Nays.—Messrs Clarke, Davidson, Fletcher, Henson, Lemoyne, Miller and Rose—6.

So the report of the committee was adopted.

Mr President resumed the chair.

The question being on the adoption of the resolution, as substituted, Mr Lemoyne, called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Bozeman, Chapman, Clarke, Ellis, Harley, Henson, Huey, Izard, Maxwell, Mitchell, Rose and Mr President—13.

Nays.—Messrs Davidson, Fletcher, Harrison, Lemoyne and Miller—5.

So the resolution was adopted.

On motion of Mr Huey, house bill No. 300, to be entitled 'an act to authorize and prescribe the manner by which persons in this state may adopt illegitimate children and others, and make them their heirs at law,' was taken up and read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Huey, house bill No. 307, to be entitled 'an act to amend an act in relation to fines,' was taken up and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Huey, senate bill No. 143, to be entitled 'an act to require two-thirds of all the justices of the peace to sit in the county courts when the county taxes are levied,' was taken up and read a third time.

Mr Miller moved to lay the bill on the table indefinitely.

On which motion, Mr Huey called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Berry, Chapman, Clarke, Davidson, Harley, Harrison, Henson, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose and Mr President—14.

Nays.—Messrs Bozeman, Ellis, Fletcher and Huey—4.

So the bill was laid on the table.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house have refused to assent to senate amendments to house bill No. 280, to be entitled 'an act amendatory of existing laws, regulating the landed interests of this state,' and have appointed a committee of conference, to consist of five members on the part of the house, to act with such committee as may be appointed on the part of the senate, on the disagreement of the two houses, in regard to said bill.

The committee on the part of the house, are, Messrs Rainey, Redmond, Blackmore, Bevens and Caruthers.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Clarke, the chair appointed Messrs Clarke, Underhill, Chapman, Izard and Lemoyne, a committee, on the part of the senate, to confer with the committee appointed by the house, on the disagreement between the two houses, spoken of in the message from the house.

On motion of Mr Huey, house bill No. 83, to be entitled 'an act to exempt the citizens of certain townships from serving on juries,' was taken up and read a first time.

On further motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Huey, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Lemoyne, house bill No. 306, to be entitled 'an act making appropriations for the years, 1852, 1853 and 1854,' together with the report of the committee of the whole, were taken up.

On motion of Mr Huey, the report of the committee was adopted.

Mr Rose was was called to the chair.

Mr Clarke offered the following amendment:

That, on the 15th day of May, 1855, it shall be the duty of the auditor to ascertain the amount of principal and interest, from this date, at the rate of seven per centum per annum, due from the State of Arkansas to the internal improvement fund, for all money heretofore borrowed by the state from said fund, and the same, when so ascertained, shall then be distributed to the several counties, as prescribed by law, any law now in existence, to the contrary notwithstanding; and that nothing herein contained, shall operate so as to suspend, or in any manner impair the distribution law, except only for the amount heretofore borrowed by the state, and the interest thereon.

Which was read.

The question being on its adoption, Mr Berry called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Bozeman, Chapman, Clarke, Harley, Harrison, Lemoyne and Rose—7.

Nays.—Messrs Berry, Davidson, Ellis, Fletcher, Henson, Huey, Izard, Maxwell, Miller and Mitchell—10.

So the amendment was lost.

Mr Clarke offered the following amendment:

Sec. ——. That all state scrip hereafter issued, shall bear interest at the rate of ten per centum per annum, until there shall be specie in the treasury for its redemption.

Which was read.

The question being on its adoption, Mr Izard called for the yeas and nays, which being sustained, were ordered.

Yeas.—Messrs Clarke and Rose—2.

Nays.—Messrs Berry, Bozeman, Chapman, Davidson, Ellis, Fletcher, Harley, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller and Mitchell—15.

So the amendment was lost.

Mr Lemoyne offered the following amendments.

Sec. ——. *Be it further enacted*, That the per diem of the clerk of the supreme court be three dollars.

Sec. ——. *Be it further enacted*, That all the reports of the decisions of the courts of other states, and of the United States, now in the office of the secretary of state, or hereafter deposited therein, be transformed to and made a part of the supreme court library.

Which were read and adopted.

Mr Huey offered the following amendment:

To pay the secretary of state for copying the laws passed at this session of the legislature, and for copying and certifying resolutions, and transcribing the same; to our delegation in Congress, and for reading the proof sheets of all laws passed at this session, and for distributing the acts and journals, two hundred and fifty dollars.

Which amendment was read and adopted.

Mr Huey offered the following amendment:

Sec. ——. That the sum of $400 be, and the same is hereby, appropriated to the following named persons, at the rate of $23 55 each, to-wit: Benjamin F. Danley, John C. Peay, George Brodie, C. Aikin, Samuel Brookin, B. F. Dooley, Wm. C. Sullivan, James Hamilton, Gabriel Hogan, J. Burnett, Hardy Johnson, Joseph W Henry, —— Robinson, John D. Adams, Calvin Lewis, Thomas H. Lewis and Wm. McKenzie, each to be paid the sum of $23 55, as aforesaid.

Which was read.

Upon the question being taken on its adoption, it was lost without a division.

Mr Maxwell offered the following amendment.

To James H. Field, for pursuing and taking into custody, Minor Waterman and Robert Waterman, fugitive convicts from the state penitentiary, twenty-five dollars.

Which was read.

Upon the question being taken upon its adoption it was lost.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill as amended, read a third time.

The question, 'Shall the bill pass?' was taken from the chair.

Mr Berry called for the yeas and nays; which being sustained, were ordered.

Yeas.—Messrs Bozeman, Fletcher, Harley, Harrison, Huey, Izard, Maxwell, Mitchell, Rose and Mr President—10.

Nays.—Messrs Berry, Chapman, Clarke, Davidson, Ellis, Henson and Miller—7.

So the bill was passed.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house have assented to senate bill No. 167, to be entitled 'an act supplementary to an act entitled an act to revise the common school system,' which is herewith returned.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Huey, house bill No. 222, to be entitled 'an act to incorporate the town of Osceola, in Mississippi ——,' was taken up and read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

On further motion of Mr Huey, the bill was amended, by adding the word, 'county,' to the title.

On motion of Mr Berry, the rules of the senate were again dispensed with, the bill as amended, read a third time, and passed.

On motion of Mr Harley, the senate took a recess until 3 o'clock, P. M.

At 3 o'clock, P. M., the senate convened.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to present for your honor's signature, 'an act to dispose of the 16th sections of land in Searcy county;' 'an act to provide for the printing the governor's message and the reports of state officers;' and, 'an act to amend the law of execution.'

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined an act entitled 'an act supplementary to an act to revise the common school system,' and instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Henson, leave of absence was granted Mr. Fletcher.

On motion of Mr Izard, house bill No. 17, to be entitled 'an act in aid of deeds of conveyance made by administrators and others,' was taken up, and read a first time.

On further motion of Mr Izard, the rules of the senate were dispensed with, and the bill read a second time.

Mr President offered the following amendment:

And deeds made and executed by sheriffs, for real estate sold under execution:

Which amendment was read and adopted.

On motion of Mr Huey, the rules of the senate were again dispensed with, the bill, as amended, read a third time, and passed.

On motion of Mr Berry, house bill No. 41, to be entitled 'an act to amend the 62d section, of the 140th chapter, of the Digest, under the head of private roads,' was taken up, and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Clarke, house bill No. 183, to be entitled 'an act for the relief of Henry Jacobi,' was taken up, and read a first time.

On further motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Clarke, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Clarke, house bill No. 95, to be entitled 'an act to repeal section 11, chapter 159, of the Digest, concerning taverns and groceries,' was taken up, and read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Lemoyne, the rules of the senate were again dispensed with, and the bill read a third time.

The question being on the passage of the bill, Mr Henson called for the yeas and nays, which being sustained, were ordered:

Yeas.—Messrs Clarke, Davidson, Ellis, Harrison, Izard, Lemoyne, Maxwell, Mitchell and Mr President—9.

Nays.—Messrs Berry, Bozeman, Harley, Henson, Miller and Rose—6.

There being no quorum present and voting, the bill could not pass,

Mr Huey moved a call of the senate.

Pending which, on motion of Mr President, the senate adjourned.

THOMAS B. HANLEY, *President.*

Tuesday, Jan. 11th, 1853.

The Senate met pursuant to adjournment.

The roll was called, and the following senators answered to their names:

Messrs Berry, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Harley, Harrison, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose and Mr President—17.

Prayer by Rev. A. R. Winfield, chaplain.

On motion of Mr Harley, the reading of the journal of yesterday was dispensed with.

Message from the governor, by Richard H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the senate, that on the 10th day of January, 1853, he approved and signed 'an act for the relief of James Lawson;' 'an act to declare Plum Bayou navigable;' 'an act for the relief of George Handy, deceased;' 'an act to increase the compensation of the land attorney and state collector;' 'an act to provide for assessing reclaimed swamp and overflowed lands;' 'an act to prevent persons from selling spirituous liquors to slaves, and other purposes;' 'an act to provide for the building of a stone wall around the penitentiary house of this state;' 'an act to incorporate the Arkansas Central Railroad Company.'

And, also, that he approved and signed a joint resolution, authorizing the attorney general to dismiss the suit pending in the Pulaski circuit court against the securities of Samuel Adams, deceased, and requiring the treasurer to receive the coupons and bonds now deposited in his office, in full payment and discharge of the amount involved in said suit; and a joint resolution by the General Assembly, instructing our senators in Congress, and requesting our representative, to use their influence to have certain territory therein named attached to the Champagnolle land district; and, a joint resolution, authorizing Wm. B. Marshall, in behalf of Messrs Kellett and Dowell, to draw from the treasury and receipt for the sum of $100, appropriated to said Kellett and Dowell.

R. H. JOHNSON,
Private Secretary.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined, 'an act for the relief of Wm. K. Inglish and Finus Leech;' also, 'an act for the relief of Dr. John W. Taylor, of Desha county;' also, an act directing the attorney general to file a bill in chancery, to divest the trustees of the real estate bank of the assets of that institution,' and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr Chapman, house bill No. 292, to be entitled 'an act for the relief of Elizabeth Marsh,' was taken up, and read a first time.

On further motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a sesond time.

And, on further motion of Mr Chapman, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have concurred in the amendments of the senate to house bill No. 210, to be entitled 'an act for the relief of the deaf and dumb asylum, at Danviile, Kentucky;' also, in the amendments of the senate to house bill No. 218, to be entitled 'an act for the relief of certain minor heirs.'

The house of representatives have passed bill No. 53, to be entitled 'an act to amend the 4th section, of the 51st chapter, of the Digest, under the head of Sabbath breaking;' which is herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill No. 134, to be entitled 'an act to authorize and allow foreign guardians to remove from this state the property of their wards;' which is herewith returned.

The house have assented to senate bill No, 125, entitled 'an act to incorporate the Memphis and Augusta Railroad company,' with sundry amendments attached thereto; also, senate bill No. 151, entitled 'an act for the relief of John Hawkins, of Ashley county,' with an amendment which is attached thereto; also, senate bill No. 34, entitled 'an act to sell the saline lands belonging to the State of Arkansas,' with two amendments attached thereto; all of which are herewith returned for the concurrence of your honorable body, which is respectfully asked.

The house have passed house bill No. 244, entitled 'an act to compel owners of cotton gins to secure them with a good and sufficient fence;' which is herewith transmitted for the assent of the senate, which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Miller, senate bill No. 71, to be entitled 'an act to appropriate $3,000 of the internal improvement fund to building a bridge across Mulberry river, in Franklin county,' was taken up, and read a second time.

On further motion of Mr Miller, the rules were dispensed with, and the bill read a third time, and passed.

On motion of Mr Berry, house bill No. 329, to be entitled 'an act to authorize Elender Watkins to sell certain real estate,' was taken up, and read a first time.

On further motion of Mr Berry, the rules were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the rules were again dispensed with, and the bill read a third time, and passed.

No. 170. Mr Ellis, on leave, introduced a bill, to be entitled 'an act to change the name of Patrick B. Kinsella to George B. Kinsella.'

Which was read a first time.

On motion of Mr Ellis, the rules were dispensed with, and the bill read a second time.

And, on further motion of Mr Ellis, the rules were again dispensed with, and the bill read a third time, and passed.

No. 171. Mr Maxwell, on leave, introduced a bill, to be entitled 'an act for the relief of Fielding Wilburn, of Marion county.'

Which was read a first time.

On motion of Mr Maxwell, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Maxwell, the rules of the senate were dispensed with, the bill read a third time, and passed.

On motion of Mr Berry, house bill No. 53, to be entitled 'an act to amend the 4th section, of the 51st chapter, of the Digest, under the head of Sabbath breaking,' was taken up, and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the rules of the senate were again dispensed with, the bill read a third time, and passed.

Mr Davidson was called to the chair.

Mr Clarke, on leave, made the following

REPORT:

Mr President:

The committee of conference, on the part of the senate, appointed to confer upon the difference existing between your honorable body and the house of representatives, in reference to house bill No. 280, entitled 'an act amendatory of existing laws regulating the landed interest of this state,' as amended by the senate, and returned to the house, met the committee on the part of the house, on the evening of the 10th instant, and took into consideration the subject of said differences. After much discussion, it was agreed upon, that the house shall recede from its point, to create the office of Register, and that the senate shall recede from its proposition, that any scrip issued for work in one district may be floated to another district. It is therefore agreed that the bill, as amended by the senate, shall receive the sanction of the house of representatives, with the following section from the original house bill restored to the same.

Sec. 44. That in all cases of contracts hereafter to be made, the scrip issuing thereon shall be located in the district where the work was done; and no scrip issued for work in one district shall be floated to another, until all the work that is practicable and necessary for the reclamation of the swamp and overflowed lands in such district shall have been completed.

GEO. W. CLARKE,
Chairman of Senate Committee.

Which report was read and received, and on motion of Mr Izard, adopted.

On motion of Mr Izard, house bill No. 186, to be entitled 'an act to amend an act passed at the General Assembly, granting a charter to George W. Robertson and Blake Little, to erect a toll bridge on the Batesville road,' was taken up, and read a first time.

On further motion of Mr Izard, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Izard, the rules of the senate were again dispensed with, the bill read a third time, and passed.

No. 172. Mr Chapman, on leave, introduced a bill, to be entitled 'an act supplementary to an act entitled an act to incorporate the Augusta and Memphis Railroad Company.'

Which was read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Chapman, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Chapman, the amendments of the house of representatives to senate bill No. 125; to be entitled 'an act to incorporate the Augusta and Memphis Railroad Company,' was taken up, and read.

Mr Chapman moved to amend the amendment of the house, as follows:

Provided, That nothing herein contained shall be so construed as to extend the privileges and franchises herein granted, for a longer term than ninety-nine years.

Which was read and adopted, and the amendment of the house, as amended, concurred in by the senate.

On motion of Mr Huey, the vote taken on senate bill No. 172, to be entitled 'an act supplementary to an act entitled an act to incorporate the Augusta and Memphis Railroad Company,' was reconsidered.

On motion of Mr Chapman, the bill was laid on the table indefinitely.

No. 173. Mr Huey, on leave, introduced a bill, to be entitled 'an act to declare Champagnolle Bayou a navigable stream.'

Which was read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second time.

And, on motion of Mr Chapman, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Berry, house bill No. 317, to be entitled 'an act to define the lines between the counties of Van Buren and Searcy,' was taken up, and read a first time.

On further motion of Mr Berry, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Berry, the rules of the senate were again dispensed with, the bill read a third time, and passed.

No. 174. Mr Rose, on leave, introduced a bill, to be entitled 'an act to provide the clerk's office of each county with a copy of the latest edition of Langtree's maps of Arkansas.'

Which was read a first time.

On motion of Mr Rose, the rules of the senate were dispensed with, and the bill read a second time.

On motion of Mr Berry, the bill was amended, by striking out '$200,' and inserting, in lieu thereof, '$300.'

On motion of Mr Rose, the rules of the senate were dispensed with, and the bill read a third time, and passed.

On motion of Mr Clarke, the vote taken on the passage of senate bill No. 174, to be entitled 'an act to provide the clerk's office of each county with a copy of the latest edition of Langtree's map of Arkansas,' was reconsidered.

On motion of Mr Huey, the bill was amended, by striking out

'$300,' (inserted on the motion of Mr Berry,) and inserting in lieu thereof, the words '$200.'

On motion of Mr Harley, the rules of the senate were dispensed with, the bill as amended, read a third time, and passed.

Mr Berry was called to the chair.

Message from the house of representatives by the clerk:

Mr President:

I am instructed to present for your honor's signature, the following bills, viz:

'An act to amend section 2d, of chapter 139 of the Digest of the statutes of this state, under the head of Revenue, approved January 11th, 1851;' a bill to be entitled 'an act supplementary to an act to incorporate the city of Fort Smith;' a bill, to be entitled 'an act to attach a portion of Conway county to the county of White.'

A joint resolution, instructing our senators to use all necessary exertions to procure the passage of a law by Congress, granting a homestead of one hundred and sixty acres of land to each head of a family.'

Also, 'an act entitled an act making appropriations for the years 1852, 1853 and 1854.'

J. H. HOBBS,
Clerk of the House.

On motion of Mr Huey, house bill, to be entitled 'an act to exempt the citizens of Walnut township, in Phillips county, from serving on juries during the spring terms of the circuit court,' was taken up and read a first time.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a second time.

And, on further motion of Mr Clarke, the rules of the senate were again dispensed with, the bill read a third time, and passed.

On motion of Mr Clarke, senate bill No, 158, to be entitled 'an act for the benefit Sydney F. Griffith, of Sebastian county,' was taken up and read a second time.

On further motion of Mr Clarke, the rules of the senate were dispensed with, and the bill read a third time.

Mr Rose moved to lay the bill on the table indefinitely.

On which motion, Mr Clarke called for the yeas and nays.

Pending which, on motion of Mr Harley, the senate took a recess until 11 1-2 o'clock, A. M.

At half-past 11 o'clock, A. M., the senate convened.

Mr Clarke, on leave, introduced the following

RESOLUTION:

Resolved, That the two houses of this General Assembly, meet in the hall of the house of representatives to day, at 3 o'clock, P. M., to elect one financial receiver of the state bank, three swamp land commissioners and five swamp land agents.

Which was read a first time, and adopted.

On motion of Mr Clarke, the rules of the senate were dispensed with, and the resolution taken up, read a second time and adopted, and sent to the house of representatives.

On motion of Mr Bozeman, the senate took a recess until 2 o'clock, P. M.

At 2 o'clock, P. M., the senate convened.

The roll was called by order of the President, and the following senators anwered to their names:

Messrs Berry, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchell, Rose, Underhill and Mr President—18.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform your honorable body, that the house of representatives have cocurred in a joint resolution of the senate, fixing 3 o'clock this day for the General Assembly to convene in the hall of the house of representatives, for the purpose of electing a financial receiver of the state bank, three swamp land commissioners and five swamp land agents.

The resolution is herewith returned.

The house of representatives have passed bill No. 273, to be entitled 'an act to pay special supreme judges.'

Which is herewith transmitted for the assent of your honorable body; which is respectfully asked.

The house of representatives have assented to senate bill No. 170, to be entitled 'an act for the relief of Fielding Wilburn, of Marion county.'

Which is hererewith returned.

J. H. HOBBS.
Clerk of the House.

On motion of Mr Mitchell, the senate proceeded to the hall of the house of representatives; where, being seated, the President explained the object of the convention.

The President of the senate announced that nominations for financial receiver of the state bank, were in order.

Whereupon, Mr Jeffries, of the house of representatives, nominated John M. Ross.

No other nominations being made, the rolls were called; when it appeared that John M. Ross had received 69 joint votes, and had received one vote.

Those senators who voted for John M. Ross, are

Messrs Berry, Bozeman, Chapman, Clarke, Davidson, Ellis, Fletcher, Harrison, Henson, Huey, Izard, Lemoyne, Maxwell, Miller, Mitchel, Rose, Underhill and Mr President—18.

Whereupon, the Speaker announced, that John M. Ross, having received a majority of all the votes cast, was duly elected financial receiver of the state bank of Arkansas, for and during the time perscribed by law.

Mr President announced that nominations for swamp land commissioners were in order.

Whereupon, Mr Lewis, of the house of representatives, nominated Cincinnatus Trousdale, of Phillips county.

Mr Caruthers, of the house of representatives, nominated Daniel E. Williams, of Hempstead county.

Mr Redmond, of the house of representatives, nominated —— Eddings.

Mr Brittain, of the house of representatives, nominated —— McDaniel, of St. Francis county.

Mr Rainey, of the house of representatives nominated —— Bailey.

Mr Witherspoon, of the house of representatives nominated —— Jennings.

Mr Nunn, of the house of representatives, nominated —— Robinson.

Mr Howard, of the house of representatives nominated —— Dickson, of Benton county.

Mr Coldwell, of the house of representatives, nominated Freeman E. Patrick, of St. Francis county.

Mr Underhill nominated John W. Buckner, of Crittenden co.

Mr Fagan, of the house of representatives, nominated —— Cunningham.

Mr Huey nominated Lambert J. Reardon, of Pulaski county.

No other nominations being made, the secretary proceeded to call the roll of the senate; when it appeared that Mr Trousdale had received 6 votes.

Mr Williams had received 2 votes,
Mr Eddings had received 2 votes,
Mr McDaniel had received 12 votes,
Mr Bailey had received 4 votes,
Mr Robinson had received 1 vote,
Mr Dickson had received 9 votes,
Mr Patrick had received 4 votes,
Mr Buckner had received 4 votes,
Mr Cunningham had received 1 vote,
Mr Reardon had received 8 votes.

In the house Mr Trousdale received 12 votes; joint vote, 18.
Mr Williams 13 votes, joint vote, 15,
Mr Eddings 13 votes, joint vote, 15,
Mr Reardon 36 votes, joint vote, 44,
Mr McDaniel 19 votes, joint vote, 31,
Mr Buckner 19 votes, joint vote, 23,
Mr Jennings 3 votes, joint vote, 3,
Mr Robinson 3 votes, joint vote, 4,
Mr Dickson 19 votes, joint vote, 28,
Mr Patrick 13 votes, joint vote, 17,
Mr Cunningham 4 votes, joint vote, 5,

And Mr Bailey 2 votes, joint vote, 6,

Those senators who voted for Mr Trousdale, are

Messrs Clarke, Fletcher, Miller, Mitchell, Underhill and Mr President—6.

For Mr Williams, Messrs Bozeman and Harrison—2.

For Mr Eddings, Messrs Izard and Miller—2.

For Mr Reardon, Messrs Berry, Chapman, Davidson, Henson, Huey, Maxwell, Miller and Rose—8.

For Mr McDaniel, Messrs Berry, Bozeman, Chapman, Davidson, Ellis, Harrison, Henson, Izard, Maxwell, Mitchell, Rose and Mr President—12.

For Mr Buckner, Messrs Fletcher, Lemoyne, Underhill and Mr President—4.

For Mr Robinson, Mr Ellis—1.

For Mr Dickson, Messrs Berry, Chapman, Clarke, Davidson, Izard, Lemoyne, Maxwell, Mitchell and Rose—9.

For Mr Patrick, Messrs Clarke, Huey, Lemoyne and Underhill—4.

For Mr Cunningham, Mr Fletcher—1.

For Mr Bailey, Messrs Bozeman, Ellis Henson and Huey—4.

Whereupon, the Speaker announced, that Lambert J. Reardon, having received a majority of all the votes given, was duly elected one of the swamp land commissioners, for, and during the time prescribed by law.

Mr Witherspoon withdrew the name of Mr Jennings.

Mr Nunn withdrew the name of Mr Robinson.

And, Mr Fagan withdrew the name of Mr Cunningham.

The secretary proceeded to call the roll a second time.

Mr Williams had received 2 votes,
" Eddings had received 4 votes,
" McDaniel had received 8 votes,
" Bailey had received 2 votes,
" Dickson had received 8 votes,
" Patrick had received 2 votes,
And Mr Buckner had received 6 votes.

In the house Mr Trousdale received 6 votes, joint ballot, 10,
Mr Williams received 2 votes, joint ballot, 10,
" Edding received 11 votes, joint ballot, 15,
" McDaniel received 17 votes, joint ballot, 25,
" Bailey received 12 votes, joint ballot, 14,
" Dickson received 14 votes, joint ballot, 27,
" Patrick received 15 votes, joint ballot, 17,
" Buckner received 13 votes, joint ballot, 19,

Those senators who voted for Mr Trousdale, are

Messrs Clarke, Miller, Mitchell and Underhill—4.

For Mr Williams, Messrs Bozeman and Henson—2.

For Mr Edding, Messrs Chapman, Davidson, Fletcher and Miller—4.

For Mr McDaniel, Messrs Berry, Bozeman, Ellis, Henson, Izard, Maxwell, Rose and Mr President—8.

For Mr Bailey, Messrs Ellis and Henson—2.

For Mr Dickson, Messrs Berry, Chapman, Davidson, Izard, Lemoyne, Maxwell, Mitchell and Rose—8.

For Mr Patrick, Messrs Harrison and Huey—2.

For Mr Buckner, Messrs Clarke, Fletcher, Harrison, Lemoyne, Underhill and Mr President—6.

None of the gentlemen voted for, having received a majority of all the votes given, the Speaker announced that there was no choice made.

Mr Lewis withdrew the name of Mr Trousdale.

Mr Redmond withdrew the name of Mr Eddings.

Mr Coldwell withdrew the name of Mr Patrick.

Whereupon, the convention proceeded to ballot a third time.

The secretary of the senate proceeded to call the roll a third time, when it appeared that Mr Williams had received 4 votes,

Mr McDaniel had received 9 votes,

" Bailey had received 4 votes,

" Buckner had received 8 votes.

In the house Mr Williams had received 18 votes, joint ballot 22 votes.

In the house Mr McDaniel received 20 votes, on joint ballot 29 votes.

In the house Mr Bailey received 13 votes, on joint ballot 17 votes.

In the house Mr Dickson received 31 votes, on joint ballot 41 votes.

In the house Mr Buckner received 17 votes, on joint ballot 25 votes.

In the house Mr Trousdale received 1 vote.

Those members who voted for Mr Williams, are

Messrs Bozeman, Fletcher Henson and Miller—4.

For Mr McDaniel, Messrs Berry, Bozeman, Chapman, Davidson, Ellis, Izard, Maxwell, Rose and Mr President—9.

For Mr Bailey, Messrs Ellis, Harrison, Henson and Huey—4.

For Mr Dickson, Messrs Berry, Chapman, Clarke, Davidson, Izard, Lemoyne, Mitchell, Rose, Underhill and Mr President—10.

Whereupon, the Speaker announced, that Mr —— Dickson having received a majority of all the votes given, was duly elected one of the swamp land commissioners, for and during the time provided by law.

Mr Rainey withdrew the name of Mr Bailey.

The secretary then proceeded to call the roll a fourth time, when it appeared that Mr Williams had received 3 votes,

Mr McDaniel had received 6 votes,

And Mr Buckner had received 9 votes.

In the house Mr Williams had received 16 votes, on joint ballot, 19.

In the house Mr McDaniel had rec'd 21 votes, on joint ballot, 27.

In the house Mr Buckner had rec'd 13 votes, on joint ballot, 22.

Those senators voting for Mr Williams, are

Messrs Bozeman, Henson, and Huey—3.

For Mr McDaniel, Messrs Berry, Davidson, Ellis, Izard, Maxwell and Rose—6.

For Mr Buckner, Messrs Chapman, Clarke, Fletcher, Harrison, Lemoyne, Miller, Mitchell, Underhill and Mr President—9.

None of the gentlemen voted for having received a majority of all the votes given, the Speaker announced that there was no choice made.

The secretary proceeded to call the roll a fifth time, when it appeared that Mr Williams had received 3 votes,

Mr McDaniel had received 6 votes,

And Mr Buckner had received 9 votes.

In the house Mr Williams had received 20 votes, joint ballot, 23.

In the house Mr McDaniel had rec'd 14 votes, on joint ballot, 20.

In the house Mr Buckner had rec'd 13 votes, on joint ballot, 22.

Those members who voted for Mr Williams, are

Messrs Bozeman, Henson Huey—3.

For Mr McDaniel, Messrs Berry, Davidson, Ellis, Izard, Maxwell, and Rose—6.

For Mr Buckner, Messrs Chapman, Clarke, Fletcher, Harrison, Lemoyne, Miller Mitchell, Underhill and Mr President—9.

None of the gentlemen voted for, having received a majority of all the votes given, the Speaker announced that there was no choice made.

On motion of Mr Wood. of the house of representatives, the committee took a recess until half-past 6 o'clock, P. M.

At half-past 6 o'clock, P. M., the committee convened.

The convention then proceeded to ballot for a third swamp land commissioner.

The roll was called by the secretary of the senate, when it appeared, Mr Williams received two votes,

Mr McDaniel nine votes,

And Mr Buckner had received five votes.

In the house of representatives Mr Williams received 14 votes, on joint ballot, 16 votes.

In the house Mr McDaniel received 22 votes, on joint ballot, 31 votes.

In the house Mr Buckner received 14 votes, on, joint ballot, 19 votes.

Those senators who voted for Mr McDaniel, are

Messrs Bozeman, Henson—2.

Those senators who voted for Mr McDaniel, are

Messrs Berry, Chapman, Davidson, Ellis, Izard, Maxwell, Miller, Rose and Mr President—9.

Those senators who voted for Mr Buckner, are

Messrs Clarke, Harrison, Huey, Lemoyne and Mitchell—5.

None of the gentlemen nominated, having received a majority of all the votes given, the Speaker announced that there was no choice made.

The convention proceeded to ballot a seventh time.

Mr Caruthers withdrew the name of Mr Williams.

The secretary of the senate proceeded to call the roll; when it appeared that Mr McDaniel had received 10 votes,

And Mr Buckner had received 6 votes.

In the house Mr McDaniel received 27 votes, joint ballot, 37 votee.

In the house Mr Buckner received 23 votes, on joint ballot, 29 votes.

Those senators who voted for Mr McDaniel, are

Messrs Berry, Bozeman, Chapman, Davidson, Ellis, Henson, Izard, Maxwell, Rose and Mr President—10.

Those senators who voted for Mr Buckner, are

Messrs Clarke, Harrison, Huey, Lemoyne, Miller and Mitchell—6 votes.

Whereupon, the Speaker announced, that Mr McDaniel, having received a majority of all the votes cast, was duly elected one of the swamp land commissioners, for and during the term prescribed by law.

The President announced that nominations for land agent at Dardanelle, were in order.

Whereupon, Mr Bowden, of the house of representatives, nominated Mr —— Toby;

Mr Howard, of the house of representatives, nominated Mr —— Yell;

Mr Maxwell nominated Mr —— Lemoyne;

And Mr Galbreath, of the house of representatives, nominated Mr —— Featherston.

No other nominations being made, the secretary proceeded to call the roll of the senate; when it appeared that Mr Toby had received 6 votes; Mr Yell had received 2 votes; Mr Lemoyne had received 7 votes. and Mr Featherston had received 1 vote.

In the house Mr Toby rec'd 21 vote, on joint ballot, 27 votes.

In the house Mr Yell received 7 votes, on joint ballot, 9 votes.

Mr Lemoyne received 20 votes, on joint ballot, 27 votes.

Mr Featherston received 2 votes, on joint ballot, 3 votes.

None of the nominees having received a majority, the Speaker announced, that there was no election.

Mr Galbreath withdrew the name of Mr Featherston.

Mr Howard withdrew the name of Mr Yell.

Whereupon, the convention proceeded to ballot a second time; when, on a call of the roll of the senate, Mr Toby had 6 votes, and Mr Lemoyne had ten votes.

In the house Mr Toby had 29 votes, on joint ballot, 35.

Mr Lemoyne received 22 votes, on joint ballot 32.

Whereupon, the Speaker announced that Mr Toby had received a majority of all the votes, and was duly elected land agent at Dardanelle.*

The President announced that nominations for land agent, at Pine Bluff were in order.

Mr Wood, of the house of representatives, nominated Mr —— Mitchell.

Mr Bevens, of the house of representatives, nominated David W. Carroll.

No other nominations were made, and the secretary called the senate roll; when it appeared that Mr Mitchell had one vote, and Mr Carroll had 15 votes.

In the house Mr Mitchell had 3 votes, on joint ballot, 4 votes.

Mr Carroll received 50 votes, on joint ballot, 55 votes.

The Speaker declared that David W. Carroll had received a majority of all the votes cast, and was duly elected swamp land agent at Pine Buff.

The President then announced that nominations for land agent at Helena, were in order.

Mr Chapman nominated J. B. Jackson, of Helena, and thereupon the secretary called the roll of the senate; when it appeared that Mr Jackson had received sixteen votes.

In the house Mr Jackson had 47 votes, on joint ballot, 63 votes; scattering votes, 4.

The Speaker declared that James B. Jackson was duly elected land agent at Helena, for the time prescribed by law.

The President announced that nominations for land agent at Jacksonport, were in order.

Mr Chapman nominated Mr Garland Silvey, of Jackson county.

No other nominations being made, the roll was called; when it appeared that Mr Silvey had 16 votes.

In the house Mr Silvey had 45 votes, on joint bollot, sixty-one votes; scattering, six votes.

The Speaker declared Mr Silvey duly elected land agent at Jacksonport, for and during the term prescribed by law.†

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* The journal here is imperfect, as the votes given by senators for the different candidates are not recorded. This omission was caused by the journal being made up by an individual having no experience. The senate, by dispensing with the reading of the journal, could not know of the omission; and in consequence of sickness in my family, I was unable to pay any attention to my duties, in making up the journal during the two last days of the session.

† The names of senators voting for land agent at Pine Bluff, Helena and Jacksonport, are not registered in the journal, for the reasons given in my last note; an omission that is to be regretted.

JOHN M. ROSS, *Sec. of Senate,*

The President announced that nominations for land agent at Washington, Hempstead county, were in order.

Whereupon, Mr Rainey, of the house of representatives, nominated Mr Scroggins.

Mr Bevens nominated Barnard F. Hempstead.

Mr Witherspoon nominated Orville Jennings.

No other nominations being made, the secretary called the roll of the senate; when it appeared that Mr Scroggins had 3 votes; Mr Hempstead had 10 votes, and Mr Jennings had 3 votes.

In the house Mr Scroggins had 7 votes, on joint ballot, 10 votes.

Mr Hempstead had 41 votes, on joint ballot, 51 vote.

Mr Jennings had 2 votes, on joint ballot, 5 votes; scattering one vote.

Those senators who voted for Mr Scroggins, are

Messrs Berry, Bozeman, Huey—3.

Those who voted for Mr Hempstead, are

Messrs Chapman, Clarke, Ellis, Harrison, Henson, Izard Lemoyne, Miller, Rose and Mr President—10.

Those who voted for Mr Jennings, are

Messrs Davidson, Maxwell and Mitchell—3.

The Speaker declared that B. F. Hempstead had received a majority of all the votes, and was duly elected land agent at Washington, for the time prescribed by law.

The President declared that the business of the convention had been accomplished; and the senate then returned to its chamber.

No. 175. Mr Huey introduced a bill, to be entitled 'an act supplementary to an act, entitled a bill in chancery, to divest the trustees of the real estate bank of the assets of this institution.'

Which was read a first time.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second and third times, and passed.

Mr Henson moved to take up house bill No. 319, entitled 'an act amendatory to the common school law, as far as it relates to the county of Hot Spring.'

Which motion prevailed, and the bill read a second time.

On further motion of Mr Henson, the rules of the senate were dispensed with, the bill read a second and third times, and passed.

On motion of Mr Huey, the senate adjourned.

THOMAS B. HANLEY, *President.*

Wednesday, Jan. 12th, 1853.

The Senate met pursuant to adjournment, and was opened by prayer by the Rev. A. R. Winfield.

On motion of Mr Berry, the reading of the journal of yesterday's proceedings were dispensed with.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to present for your honor's signature, 'an act supplementary to an act, approved 11th January, 1853, authorizing the land agent to sell certain lands;' 'an act to authorize and prescribe the manner in which persons in this state may adopt illegitimate children and others, and make them their heirs at law;' 'an act in aid of deeds of conveyance, made by administrators and others;' 'an act to amend the 41st section of the 51st chapter of the Digest, under the head of Sabbath-breaking;' 'an act to authorize Elender Watkins, of Conway county, to sell the land belonging to the estate of J. Williams, deceased;' 'an act to exempt the citizens of Walnut township, in the county of Phillips, from serving on juries at the spring term of the court;' 'an act to refund to Elizabeth Marsh certain moneys, erroneously paid into the internal improvement fund;' 'an act to incorporate the town of Osceola, in Mississippi county;' 'an act to amend an act passed at the last session of the General Assembly, granting a charter to George W. Robertson and Blake Little, to erect toll bridges on the Batesville road.'

A joint resolution, instructing our senators, &c., to obtain grants of land to Andrew B. Baker.'

J. H. HOBBS,
Clerk of the House.

No. 176. On leave, Mr Huey introduced a bill, to be entitled 'an act to incorporate the Arkansas Western Mining Company.'

Which was read.

On motion of Mr Huey, the rules of the senate were dispensed with, and the bill read a second and third times, and passed.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have assented to senate bill 125, to be entitled 'an act to incorporate the Augusta and Memphis Railroad Company,' with sundry amendments thereto; in which your honorable body is respectfully asked to concur.

Also, to senate bill No. 168, to be entitled 'an act to grant a charter to John O. Beard, to erect a toll bridge across Cache river, in Jackson county, Arkansas;' also, to senate bill No. 172, to be entitled 'an act to change the name of Patrick B. Kinsella to Geo. B. Kinsella;' 'also, to senate bill 148, to be entitled 'an act to extend the act putting the state bank in liquidation;' also, to senate bill No 173, to be entitled 'an act to declare Champagnolle Bayou navigable.'

All of which are herewith returned.

The house have concurred in the amendment of the senate to house bill 222, to be entitled 'an act to incorporate the town of Osceola;' 'also, the amendment of the senate to house joint resolution, instructing our senators, and requesting our representatives, to use their their influence to procure a certain amount of land, to be given to Andrew B. Baker, and each of his triplet sons.'

The house of representatives have passed bill No. 337, to be entitled 'an act supplemental to an act entitled an act to incorporate the city of Powhatan, in Lawrence county, Arkansas;' also, house bill No. 338, to be entitled 'an act for the protection of orphan children.'

All of which are herewith transmitted, and to which the assent of the senate is respectfully requested.

J. H. HOBBS
Clerk of the House.

Message from the house of representatives by the clerk.

Mr President:

I am instructed to inform the senate that the house have passed the bill, entitled 'an act supplemental to an act to adjust the title and provide for the sale of certain lands of the grant of the 500,000 acres, contracted for by persons who have proved insolvent or left the state, without making any payment for said lands,' approved 10th January, 1851.'

Which is herewith tuansmitted for the assent of the senate; which is respectfully asked.

J. H. HOBBS,
Clerk of the House.

No. 177. Mr Huey, on leave, introduced a bill, to be entitled 'an act to pay inspectors of the penitentiary.'

Which was read, and on motion of Mr Huey, the rules were suspended, the bill read a second and third times, and passed.

Mr Mitchell, from the committee on enrolled bills, made the following

REPORT:

Mr President:

The committee on enrolled bills have examined the act to allow foreign guardians to remove the property of their wards from this state;' 'an act for the relief of John Hawkins of Ashley county;' 'an act for the relief of Fielding Wilburn;' 'an act to incorporate the Fulton and Cairo Railroad Company;' 'an act to sell the Saline lands belonging to this state;' also, 'an act to incorporate the Arkansas Mining and Manufacturing Company;' and find them all correctly enrolled.

WM. C. MITCHELL, *Chairman.*

No. 178. Mr Huey, on leave, introduced a bill, to be entitled 'an act supplemental to an act entitled an act to amend the existing laws in regard to the landed interest of this state.'

Which was read, and on motion of Mr Huey, the rules were suspended, and the bill read a second and third times, and passed.

Message from the House of Representatives by the clerk.

Mr President:

I am instructed to inform the senate, that the house have passed the bill of the senate, to amend the existing laws in regard to the landed interest of the state;' also, house bill No. 337, to be entitled 'an act to regulate the distribution of the acts and journals of the General Assembly;' to which the assent of the senate is respectfully asked.

J. H. HOBBS,
Clerk of the House.

Mr Huey, on leave, moved to take up house bill No. 337, to distribute the acts and journals; which motion was adopted, and the bill read a first time;

And on motion, the rules were suspended, and the bill read a second and third times, and passed.

Mr Chapman, on motion, called up house bill No. 350, to be entitled 'an act supplemental to an act to adjust the title to certain lands.'

Which was read.

On further motion of Mr Chapman, the bill was read a second and third times, and passed.

Message from the governor, by Richard H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to inform your honorable body that he has approved 'an act revising the common school system in the State of Arkansas;' 'an act supplementary to an act entitled an act to revise the common school system of the State of Arkansas, passed and approved the present session;' 'an act to incorporate the Little Rock Plank and Railroad Company;' 'an act for the relief of Wm. K. English and Finus Leech, of Saline county;' 'an act for the relief of Dr. John M. Taylor, of Desha county.'

R. H. JOHNSON,
Private Secretary.

Mr Chapman called up house bill No. 293, to be entitled 'an act for the benefit of John Steel.'

Which was read a third time, and passed.

Mr Huey called up house bill No. 338, entitled 'an act for the protection of orphan children.'

Which was read.

On motion of Mr Chapman, the rules of the senate were dispensed with, and the bill read a second time.

And, on motion of Mr Henson, the bill was read a third time, and passed.

No, 179. Mr Clarke, on leave, introduced a bill, to be entitled 'an act providing for the binding, stitching and folding of the acts and journals of the present session.'

Which was read.

And, on motion of Mr Clarke, the bill was read a second and third times, and passed.

On motion of Mr Huey, D. J. Baldwin, Esq., was requested to act as secretary of the senate.

Mr President introduced the following resolutions; which were read and adopted:

Resolved, That the thanks of the senate are hereby tendered to John M. Ross, Esq., for the very able and efficient manner in which he has discharged the duties of secretary during the present session.

Resolved further, That the senate deeply sympathize with Mr Ross and his family, on account of the present bereavement, occasioned by the death of two of his children, and for the present distressing sickness of others of his family.

On motion of Mr Clarke, the senate *Resolved;* That the thanks of the senate are hereby tendered to W. L. D. Williams, the assistant secretary of the senate, for his zeal and industry in the discharge of his duties.

On motion of Mr Huey, *Resolved;* That the thanks of the senate be tendered to Mr Alexander Fry, for the polite and efficient manner in which he has discharged his duties, as door-keeper, during the present session.

On motion of Mr Huey, *Resolved;* That the thanks of the senate be tendered to the Rev. A. R. Winfield, for the attentive and dignified propriety with which he has discharged his duties as chaplain to the present session of this senate.

A message from the house of representatives by the hands of the clerk, informing the senate, that the house had assented to senate bill, entitled 'an act to pay the inspectors of the penitentiary;' 'an act for the benefit of George Watson, sr.;' 'an act to provide the clerk's office of each county, with a copy of the latest edition of Langtree's map of Arkansas;' also, senate bill, entitled 'an act supplementary to an act entitled an act, directing the attorney general to file a bill in chancery, to divest the trustees of the real estate bank of the assets of this institution;' also, assented to senate bill No. 155, to be entitled 'an act to authorize the secretary of state, auditor and treasurer, to appoint deputies for their respective offices;' also, to senate bill, entitled 'an act to incorporate the Napoleon and Little Rock Railroad Company.'

Also, had concurred in senate joint resolution, calling a general railroad convention, in May next, at Memphis, Tennessee, with an amendment thereto; in which the concurrence of the senate is respectfully asked.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Chapman, a committee was appointed to wait upon his excellency, the governor, and inform him, that the senate has resolved to adjourn *sine die* this day, unless he has some further communication to make.

The chair appointed Messrs Chapman, Izard and Rose the committee.]

The committee appointed to wait on the governor, reported through their chairman, Mr Chapman, that they had discharged the duties assigned; and that, as soon as the bills already passed had been properly enrolled and returned to the senate, he should have no further communication to make to the present session of the senate.

Mr Mitchell, from the committee on enrolled bills, reported, as correctly enrolled, the following bills, to-wit:

'An act to pay the inspectors of the penitentiary;' 'an act to provide the clerk's offices of each county with a copy of the latest edition of Langtree's map of Arkansas;' 'act to declare Chamagnolle Bayou navigable;' 'an act to grant to John O. Beard a charter to erect a toll bridge across Cache River, in Jackson county;' 'an act to extend the act putting the state bank in liquidation;' 'an act to change the name of Patrick B. Kensilla;' 'an act suplementary to an act, directing the attorney general to file a bill in chancery, to divest the trustees of the real estate bank of the assets of that institution;' but deem it proper to note, that the words, 'or shall hereafter become due,' were omitted by the enrolling clerk in the 4th line from the bottom, and have been supplied by interlineation.

It is deemed proper to notice this to prevent any suspicion, that the interlined words were not part of the original bill. The committee would have directed the enrolling of the bill, on account of the interlineation.'

All of which are respectfully submitted.

WM. C. MITCHELL, *Chairman.*

Mr Huey, from the committee on auditor and treasurer's books presented the following:

Mr President:

The committee on auditor and treasurer's books desire to have their report changed in regard to the subject of clerk hire in the auditor's office, on account of the internal improvement and seminary funds, by striking out all after the words 'the sum of,' in the 3d line of the 5th page of their report, and insert, in lieu thereof, '$780,' and for the necessary books for the use of said fund, $65 50; and they find farther, that he has paid out of the seminary fund, for clerk hire, the sum of $420, and for the necessary books for the use of said fund, $63 00, making the whole amount expended by the auditor for clerk hire and books, out of the two funds hereinbefore designated, the sum of $1,328 50.

And they desire further to change their report, on same page, by striking out, after the word 'showing,' in the 10th line from bottom of page, the word 'and,' and strike out all after the words 'entitled and,' in the 8th line from the bottom, and insert 'requested to furnish the treasurer with the credits on said notes, in a book which the treasurer has prepared for that purpose, which the auditor informs your committee he will do as soon as possible after the adjournment of the present legislature.

The committee requests that the alteration be made in the printed journals.

All of which is respectfully submitted.

HUEY,
Chairman on part of Senate.
RUTHERFORD,
Chairman on part of House.

On motion of Mr Huey, the senate took a recess, until half-past 6 o'clock, P. M.

Message from the governor by R. H. Johnson, Esq., his excellency's private secretary.

Mr President:

I am instructed by the governor, to report to the senate, that on the 12th day of January, 1853, he approved and signed 'an act for the relief of John Hawkins, of Ashley county;' 'an act to authorize and allow foreign guardians to remove from this state the property of their wards;' 'an act for the relief of Fielding Wilburn;' 'an act to incorporate the Cairo and Fulton Railroad Company;' 'an act to sell the saline lands belonging to the State of Arkansas;' 'an act directing the attorney general to file a bill in chancery to divest the trustees of the real estate bank of the assets of that institution;' 'an act supplementary to an act entitled an act directing the attorney general to file a bill in chancery to divest the trustees of the real estate bank of the assets of that institution;' 'an act to extend the act putting the state bank in liquidation;' 'an act to provide the clerk's office of each county with a copy of the latest edition of Langtree's map;' 'an act to declare Champagnolle Bayou, in the county of Calhoun, a navigable stream;' 'an act to pay the inspectors of the penitentiary.'

R. H. JOHNSON,
Private Secretary.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives have concurred in the joint resolution of the senate, proposing to annex the Island of Cuba to the United States; which is herewith returned.

J. H. HOBBS,
Clerk of the House.

A message from the house of representatives, transmitting for the signature of the president 'an act to distribute the acts and journals;' 'an act for the benefit of George Walker.'

Mr Izard introduced the following resolution, which was read and adopted, and is as follows, viz:

Resolved, That the secretary of the senate be, and he is hereby authorized to have published in the True Democrat, Whig, and Gazette and Democrat newspapers, for two weeks, a copy of the swamp land bill, passed at the present session, and pay for the same out of the contingent fund of the senate.

Message from the governor, by Richard H. Johnson, Esq., his excellency's private secretary:

Mr President:

I am instructed by the governor to report to the senate, that on the 12th of January, 1853, he approved and signed 'an act to incorporate the Napoleon and Little Rock Railroad company;' 'an act supplementary to an act entitled an act to amend the existing laws in regard to the landed interests of this state;' also, resolutions in relation to the railroad from the Mississippi river to California, and inviting the citizens of the United States to meet in convention, at Memphis, Tennessee, and inviting our citizens to send delegates from every county in the state to Memphis.

R. H. JOHNSON,
Private Secretary.

Mr President:

I am instructed by the governor to report to the senate, that he has completed all the business which was laid before him by the General Assembly for his consideration and action, and that he has no other or further communication to make to the senate, or to the house of representatives, at the present session.

R. H. JOHNSON,
Private Secretary.

On motion, Mr Burrow called up the resolution instructing our senators, &c., to vote for no measure contrary to the tenor of the resolutions adopted by the democratic national convention, held at Baltimore, in 1852.

Which were read and adopted.

Mr Chapman introduced the following resolution, which was unanimously adopted, as follows:

Resolved, That the most cordial thanks of the senate are hereby tendered to the Hon. Thomas B. Hanley, for the very able and impartial manner with which he has presided over, and conducted the deliberations of this senate, during its present session,

On motion of Mr Huey, a message was sent to inform the house of representatives that the senate has concluded its business, and is now ready to adjourn, *sine die*, pursuant to joint resolution to that effect, heretofore adopted, and communicated to that house.

Message from the house of representatives, by the clerk:

Mr President:

I am instructed to inform your honorable body, that the house of representatives has completed the business before it, and is now ready to adjourn, pursuant to a resolution to adjourn, *sine die*, heretofore adopted, and communicated to the senate.

J. H. HOBBS,
Clerk of the House.

On motion of Mr Huey, the president proclaimed the senate adjourned, *sine die.*

THOMAS B. HANLEY,
President of the Senate.

D. J. Baldwin,
Secretary of Senate.

APPENDIX.

Little Rock, March 12th, 1853.

C. C. Danley, Esq.,
Auditor of Public Accounts:

Sir: Having finished copying the senate journal, I am prepared to furnish the public printer with the copy required by law, as soon as you can furnish me with a certified abstract of the mileage drawn by each member of the senate, as required by resolution of the senate.

Very respectfully,
Your obedient servant,
JOHN M. ROSS,
Secretary of Senate.

Auditor's Offibe,
Little Rock, Ark., 14th March, 1853.

John M. Ross, Esq.,
Secretary of the Senate:

Sir: In reply to your note of the 12th inst., and in obedience to a resolution of the senate, I herewith furnish you with an abstract of the mileage drawn by the members of the senate, during the session beginning with the 1st November, 1852, and ending with the 12th January, 1853, to wit:

John Berry,	420	miles
John Billingsley,	440	"
M. Bozeman,	160	"
N. B. Burrow,	240	"
D. J. Chapman,	180	"
Geo. W. Clarke,	360	"
Wm. E. Davidson,	300	"
Franklin DeShongh,	600	"
James Ellis,	350	"
Richard Fletcher,	10	"
John R. Hampton,	300	"
B. C. Harley,	180	"
Wm. M. Harrison,	200	"
B. F. Hawkins,	350	"
Geo. W. Henson,	124	"
Alex. J. Huey,	210	"
Mark W. Izard,	600	"
Geo. W. Lemoyne,	160	"
Henry S. Maxwell,	400	"
Jesse Miller,	300	"

Wm. C. Mitchell, - - - -	400 miles
H. P. Poindexter, - - - -	266 "
M. Rose. - - - - -	200 "
Geo. W. Underhill. - - - -	890 "
T. B. Hanley, President, - - -	365 "
Total, - - - - -	8015 miles

Respectfully,
Your obedient servant,
C. C. DANLEY,
Auditor of Arkansas.

To John M. Ross, Esq.,
Secretary of the Senate,
Little Rock, Arkansas.